

Requested by Representative HELFRICH

**PROPOSED AMENDMENTS TO
B-ENGROSSED SENATE BILL 243**

1 On page 1 of the printed B-engrossed bill, line 2, after “ORS” delete the
2 rest of the line and delete line 3 and insert “166.250 and sections 36 and 76,
3 chapter 70, Oregon Laws 2024; and declaring an emergency.”.

4 Delete lines 5 through 14 and delete pages 2 through 5 and insert:

5 **“SECTION 1. (1) It is unlawful for a person to knowingly possess a**
6 **firearm if the person is the subject of a court order prohibiting the**
7 **person from possessing firearms under subsection (2)(a) of this section.**

8 **“(2)(a) At a first appearance on a disqualifying drug offense, the**
9 **court shall enter an order prohibiting the person from possessing**
10 **firearms as follows:**

11 **“(A) Except as provided in subparagraph (B) of this paragraph, the**
12 **court shall enter a written order prohibiting the person from possess-**
13 **ing firearms until the person demonstrates, and the court finds by a**
14 **preponderance of the evidence, that the person has completed a sub-**
15 **stance use disorder assessment or screening, and any course of treat-**
16 **ment recommended by the assessment or screening.**

17 **“(B) For a disqualifying drug offense for which prosecution is**
18 **commenced after a court order described in subparagraph (A) of this**
19 **paragraph has been terminated under subsection (6)(a)(A) of this sec-**
20 **tion, the court shall enter a written order prohibiting the person from**
21 **possessing firearms until the person is able to demonstrate and the**

1 court finds, by a preponderance of the evidence, that the person has
2 abstained from using controlled substances for a period of one year.

3 “(b) Upon entering an order described in paragraph (a) of this sub-
4 section, the court shall additionally order in writing that the person:

5 “(A) Transfer all firearms in the person’s possession in accordance
6 with subsection (3) of this section; and

7 “(B) File a declaration as described in subsection (4) of this section.

8 “(c) The court shall ensure that the court order described in para-
9 graph (a) of this subsection is entered into the Law Enforcement Data
10 System and any other state and national databases necessary to en-
11 sure the enforcement of the court’s order.

12 “(3)(a) Within 24 hours of becoming subject to the court orders de-
13 scribed in subsection (2) of this section, the person shall transfer all
14 firearms in the person’s possession to a local law enforcement agency,
15 to a gun dealer as defined in ORS 166.412 or to a third party who does
16 not reside with the person, and shall obtain a proof of transfer under
17 paragraph (b) of this subsection. A transfer to a third party under this
18 subsection must be in accordance with ORS 166.435, except that the
19 criminal background check exceptions in ORS 166.435 (4) do not apply.

20 “(b) A law enforcement agency, gun dealer or third party receiving
21 a firearm pursuant to this subsection shall issue to the person a
22 written proof of transfer. The proof of transfer must include the
23 person’s name, the date of transfer and the serial number, make and
24 model of each transferred firearm. A proof of transfer issued by a third
25 party must also include the unique approval number from the De-
26 partment of State Police from the criminal background check con-
27 ducted under ORS 166.435.

28 “(c) A person transferring a firearm to a third party under this
29 subsection shall additionally obtain from the third party a declaration
30 under penalty of perjury confirming receipt of the firearm and attest-

1 **ing that:**

2 **“(A) The third party understands that the person is prohibited from**
3 **possessing firearms; and**

4 **“(B) The third party is subject to criminal penalties if the third**
5 **party allows the person access to the firearm during the prohibition.**

6 **“(d) A law enforcement agency may accept a firearm transferred**
7 **under this subsection.**

8 **“(e) A gun dealer may purchase or may accept for storage a firearm**
9 **transferred under this subsection.**

10 **“(4)(a) Within two judicial days of becoming subject to the court**
11 **orders described in subsection (2) of this section, the person shall file**
12 **with the court a declaration under penalty of perjury attesting that:**

13 **“(A) All firearms in the person’s possession have been transferred**
14 **under subsection (3) of this section to:**

15 **“(i) A law enforcement agency;**

16 **“(ii) A gun dealer; or**

17 **“(iii) A third party;**

18 **“(B) The person was not in possession of any firearms at the time**
19 **of the court’s order and continues to not possess any firearms; or**

20 **“(C) The person is asserting the person’s constitutional right**
21 **against self-incrimination.**

22 **“(b) The person shall file with the declaration a copy of the proof**
23 **of transfer, if applicable, and a copy of the third party declaration, if**
24 **applicable.**

25 **“(c) The person shall concurrently file with the district attorney**
26 **copies of the declaration, proof of transfer and third party declaration**
27 **filed with the court.**

28 **“(d) If the person does not file a declaration described in paragraph**
29 **(a) of this subsection, the district attorney may commence contempt**
30 **proceedings under ORS 33.015 to 33.155.**

1 **“(5) A person in possession of a firearm in violation of a court order**
2 **described in subsection (2)(a) of this section may not be prosecuted**
3 **under ORS 166.250 or for contempt of court if:**

4 **“(a) The person is in possession of a copy of the court order, and**
5 **the order went into effect or was issued within the previous 24 hours;**

6 **“(b) The firearm is unloaded; and**

7 **“(c) The person is transporting the firearm to a law enforcement**
8 **agency, gun dealer or third party for transfer in accordance with**
9 **subsection (3) of this section.**

10 **“(6)(a) The court shall terminate the order described in subsection**
11 **(2)(a) of this section as follows:**

12 **“(A) For a court order described in subsection (2)(a)(A) of this sec-**
13 **tion, the court shall terminate the order upon a finding, by a prepon-**
14 **derance of the evidence, that the person has completed a substance**
15 **use disorder assessment or screening, and any course of treatment**
16 **recommended by the assessment or screening.**

17 **“(B) For a court order described in subsection (2)(a)(B) of this sec-**
18 **tion, the court shall terminate the order upon a finding, by a prepon-**
19 **derance of the evidence, that the person has abstained from using**
20 **controlled substances for a period of one year.**

21 **“(b) The court may base a finding described in paragraph (a)(B) of**
22 **this subsection on documentation from a health care professional or**
23 **treatment counselor with personal knowledge of the person’s use of**
24 **controlled substances.**

25 **“(c) The court shall ensure that the termination of the court order**
26 **is entered into the Law Enforcement Data System and any other state**
27 **and national databases.**

28 **“(d) Upon the termination, and at the request of the person:**

29 **“(A) A law enforcement agency shall return any stored firearms to**
30 **the person in accordance with subsection (7) of this section.**

1 “(B) A gun dealer shall return any stored firearms to the person
2 after performing a criminal background check as defined in ORS
3 166.432 to confirm that the person is not prohibited from possessing a
4 firearm under state or federal law.

5 “(C) A third party shall return any stored firearms to the person
6 only after requesting a criminal background check in accordance with
7 ORS 166.435, except that the criminal background check exceptions in
8 ORS 166.435 (4) do not apply.

9 “(7)(a) Upon receiving a request to return a firearm relinquished to
10 a law enforcement agency pursuant to subsection (3) of this section,
11 the law enforcement agency shall hold the firearm for 72 hours after
12 receiving the request.

13 “(b) Prior to returning the firearm, the law enforcement agency
14 shall:

15 “(A) Confirm that the person to whom the law enforcement agency
16 will return the firearm is the lawful owner of the firearm, or a person
17 with a possessory right to the firearm; and

18 “(B) Perform a criminal background check as defined in ORS 166.432
19 to confirm that the person is not prohibited from possessing a firearm
20 under state or federal law.

21 “(8) As used in this section, ‘disqualifying drug offense’ means:

22 “(a) Unlawful possession of a controlled substance constituting a
23 drug enforcement misdemeanor as described in section 35, chapter 70,
24 Oregon Laws 2024; or

25 “(b) Unlawful possession of a controlled substance constituting a
26 Class A misdemeanor under ORS 475.752 (7)(a) or (8), 475.814 (2)(b),
27 475.824 (2)(b), 475.834 (2)(b), 475.854 (2)(b), 475.874 (2)(b), 475.884 (2)(b) or
28 475.894 (2)(b).

29 “**SECTION 2.** Section 36, chapter 70, Oregon Laws 2024, is amended to
30 read:

1 **“Sec. 36.** (1) Law enforcement agencies in this state are encouraged to,
2 in lieu of citation or arrest, or after citation or arrest but before referral to
3 the district attorney, refer a person to a deflection program when the person
4 is suspected of committing, or has been cited or arrested for, unlawful pos-
5 session of a controlled substance constituting a drug enforcement
6 misdemeanor under section 35 [*of this 2024 Act*], **chapter 70, Oregon Laws**
7 **2024.**

8 “(2) District attorneys in this state are encouraged to divert for assess-
9 ment, treatment and other services, in lieu of conviction, cases involving
10 unlawful possession of a controlled substance constituting a drug enforce-
11 ment misdemeanor under section 35 [*of this 2024 Act*], **chapter 70, Oregon**
12 **Laws 2024.**

13 “(3) If a deflection program is established, the program coordinator shall
14 be responsible for providing notification that a person has completed the
15 program to those entities responsible for sealing records under section 54
16 [*of this 2024 Act*], **chapter 70, Oregon Laws 2024**, including but not limited
17 to law enforcement agencies, district attorneys and courts.

18 **“(4) If a deflection program is established in which a participant is**
19 **able to enter and complete the program without making a court ap-**
20 **pearance on a charge, the program must have a requirement that all**
21 **participants, as a condition of participation, agree to not possess**
22 **firearms for the duration of the program, and to lawfully transfer all**
23 **firearms in the participant’s possession to a law enforcement agency,**
24 **a gun dealer or a third party until the program is completed.**

25 “[(4)] (5) As used in this section, ‘deflection program’ has the meaning
26 given that term in section 37 [*of this 2024 Act*], **chapter 70, Oregon Laws**
27 **2024.**

28 **“SECTION 3.** Section 76, chapter 70, Oregon Laws 2024, is amended to
29 read:

30 **“Sec. 76.** (1) As used in this section, ‘deflection program’ means a

1 collaborative program between law enforcement agencies and behavioral
2 health entities that assists individuals who may have substance use disorder,
3 another behavioral health disorder or co-occurring disorders, to create
4 community-based pathways to treatment, recovery support services, housing,
5 case management or other services.

6 “(2) The Oregon Behavioral Health Deflection Program is established
7 within the Improving People’s Access to Community-based Treatment, Sup-
8 ports and Services Grant Review Committee established under ORS 430.234.
9 The program consists of grants awarded by the committee to counties and
10 federally recognized tribal governments to fund deflection programs.

11 “(3)(a) The purpose of the program described in this section is to:

12 “(A) Address the need for more deflection programs to assist individuals
13 whose behavioral health conditions, including substance use disorder, lead
14 to interactions with law enforcement, incarceration, conviction and other
15 engagement with the criminal justice system.

16 “(B) Track and report data concerning deflection program outcomes in
17 order to determine the best practices for deflection programs within this
18 state.

19 “(b) ORS 430.230 to 430.236 do not apply to the program described in this
20 section.

21 “(4)(a) The committee shall develop a grant application process for
22 awarding grants under this section.

23 “(b) An application for a grant under this section may be submitted by a
24 county or the designee of a county, or by a tribal government or designee
25 of a tribal government. Only one application per county may be submitted,
26 but the application may request funding multiple programs within a county.

27 “(c) Prior to submitting an application for a grant under this section, the
28 applicant shall coordinate with all partners of the development and admin-
29 istration of the proposed deflection program to ensure that the partners have
30 the resources necessary to implement the deflection program. The partners

1 shall include at least a district attorney, a law enforcement agency, a com-
2 munity mental health program established under ORS 430.620 and a provider
3 from a Behavioral Health Resource Network established under ORS 430.389.
4 Partners may also include a treatment provider, a local mental health au-
5 thority, a tribal government, a peer support organization, a court or a local
6 government body.

7 “(d) An application for a grant under this section must contain:

8 “(A) A description of the coordination with program partners required by
9 paragraph (c) of this subsection that has occurred;

10 “(B) A description of the individuals who would be eligible for the pro-
11 gram and what qualifies as a successful outcome, formulated in cooperation
12 with the program partners described in paragraph (c) of this subsection;

13 “(C) A description of how the program for which the applicant is seeking
14 funding is culturally and linguistically responsive, trauma-informed and
15 evidence-based;

16 “(D) A description of a plan to address language access barriers when
17 communicating program referral options and program procedures to non-
18 English speaking individuals; and

19 “(E) A description of how the program coordinator will communicate with
20 program partners concerning persons participating in the program and any
21 other matter necessary for the administration of the program.

22 “(5) To be eligible for funding under this section, a deflection program:

23 “(a) Must be coordinated by or in consultation with a community mental
24 health program, a local mental health authority or a federally recognized
25 tribal government;

26 “(b) Must have a coordinator with the following program coordinator
27 duties:

28 “(A) Convening deflection program partners as needed for the operation
29 of the program;

30 “(B) Managing grant program funds awarded under this section; and

1 “(C) Tracking and reporting data required by the Oregon Criminal Justice
2 Commission under section 37 [*of this 2024 Act*], **chapter 70, Oregon Laws**
3 **2024;**

4 “(c) Must involve the partners described in subsection (4)(c) of this sec-
5 tion; [*and*]

6 “(d) May involve a partnership with one or more of the following entities:

7 “(A) A first responder agency other than a law enforcement agency;

8 “(B) A community provider;

9 “(C) A treatment provider;

10 “(D) A community-based organization;

11 “(E) A case management provider;

12 “(F) A recovery support services provider; or

13 “(G) Any other individual or entity deemed necessary by the program co-
14 ordinator to carry out the purposes of the deflection program, including in-
15 dividuals with lived experience with substance use disorder, a behavioral
16 health disorder or co-occurring disorders[.]; **and**

17 **“(e) Must have, if a participant is able to enter and complete the**
18 **program without making a court appearance on a charge, a require-**
19 **ment that all participants, as a condition of participation, agree to not**
20 **possess firearms for the duration of the program, and to lawfully**
21 **transfer all firearms in the participant’s possession or control to a law**
22 **enforcement agency, a gun dealer or a third party until the program**
23 **is completed.**

24 “(6) During a grant application period established by the committee, the
25 maximum proportion of grant funds available to an applicant shall be de-
26 termined as follows:

27 “(a) The proportion of grant funds available to an applicant other than
28 a tribal government shall be determined based on the county formula share
29 employed by the Oversight and Accountability Council established under
30 ORS 430.388, but an applicant may not receive less than \$150,000.

1 “(b) The committee shall determine the proportion of funds available to
2 an applicant that is a federally recognized tribal government.

3 “(7)(a) Grant funds awarded under this section may be used for:

4 “(A) Deflection program expenses including but not limited to law
5 enforcement employees, deputy district attorneys and behavioral health
6 treatment workers, including peer navigators and mobile crisis and support
7 services workers.

8 “(B) Behavioral health workforce development.

9 “(C) Capital construction of behavioral health treatment infrastructure.

10 “(b) Notwithstanding paragraph (a) of this subsection, the committee may
11 award planning grants for the development of deflection programs.

12 “(c) The committee may allocate up to three percent of program funds to
13 support grantee data collection and analysis or evaluation of outcome
14 measures.

15 “(8) The Oregon Criminal Justice Commission shall provide staff support
16 to the grant program.

17 “(9) The committee and the commission may adopt rules to carry out the
18 provisions of this section.

19 **“SECTION 4.** ORS 166.250 is amended to read:

20 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
21 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-
22 mits the crime of unlawful possession of a firearm if the person knowingly:

23 “(a) Carries any firearm concealed upon the person;

24 “(b) Possesses a handgun that is concealed and readily accessible to the
25 person within any vehicle;

26 “(c) Possesses a firearm and:

27 “(A) Is under 18 years of age;

28 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
29 venile court for having committed an act which, if committed by an adult,
30 would constitute a felony or a misdemeanor involving violence, as defined

1 in ORS 166.470; and

2 “(ii) Was discharged from the jurisdiction of the juvenile court within
3 four years prior to being charged under this section;

4 “(C) Has been convicted of a felony;

5 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

6 “(E) Was found to be a person with mental illness and subject to an order
7 under ORS 426.130 that the person be prohibited from purchasing or pos-
8 sessing a firearm as a result of that mental illness;

9 “(F) Is presently subject to an order under ORS 426.133 prohibiting the
10 person from purchasing or possessing a firearm;

11 “(G) Has been found guilty except for insanity under ORS 161.295 of a
12 felony; or

13 “(H) The possession of the firearm by the person is prohibited under ORS
14 **166.255 or section 1 (1) of this 2025 Act**; or

15 “(d) Possesses an unfinished frame or receiver and is prohibited from
16 possessing firearms under paragraph (c) of this subsection.

17 “(2) This section does not prohibit:

18 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
19 this section, from possessing a firearm:

20 “(A) Other than a handgun, if the firearm was transferred to the minor
21 by the minor’s parent or guardian or by another person with the consent of
22 the minor’s parent or guardian; or

23 “(B) Temporarily for hunting, target practice or any other lawful purpose;
24 or

25 “(b) Any citizen of the United States over the age of 18 years who resides
26 in or is temporarily sojourning within this state, and who is not within the
27 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
28 from owning, possessing or keeping within the person’s place of residence
29 or place of business any handgun, and no permit or license to purchase, own,
30 possess or keep any such firearm at the person’s place of residence or place

1 of business is required of any such citizen. As used in this subsection, ‘resi-
2 dence’ includes a recreational vessel or recreational vehicle while used, for
3 whatever period of time, as residential quarters.

4 “(3) Firearms carried openly in belt holsters are not concealed within the
5 meaning of this section.

6 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
7 handgun is readily accessible within the meaning of this section if the
8 handgun is within the passenger compartment of the vehicle.

9 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
10 subsection, has no storage location that is outside the passenger compart-
11 ment of the vehicle, a handgun is not readily accessible within the meaning
12 of this section if:

13 “(A) The handgun is stored in a closed and locked glove compartment,
14 center console or other container; and

15 “(B) The key is not inserted into the lock, if the glove compartment,
16 center console or other container unlocks with a key.

17 “(c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile,
18 a handgun is not readily accessible within the meaning of this section if:

19 “(A) The handgun is in a locked container within or affixed to the vehi-
20 cle; or

21 “(B) The handgun is equipped with a trigger lock or other locking mech-
22 anism that prevents the discharge of the firearm.

23 “(5) Unlawful possession of a firearm is a Class A misdemeanor.

24 **“SECTION 5. This 2025 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2025 Act takes effect on its passage.”.**

27