

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Dingfelder, Roblan, Prozanski

Nays: Close, Kruse

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 4/5, 4/16, 4/18

WHAT THE MEASURE DOES: Eliminates the exemption from performing a background check for a person transferring a firearm to another person in a private sale or transfer. Exempts from this provision a transfer to: (1) A person's spouse or domestic partner; (2) The person's parent or step-parent; (3) The person's child or step-child; (4) The person's sibling; (5) The person's grandparent; or (6) A spouse of the person's previously listed. Also exempts a transfer by a personal representative of a deceased person. Sets forth the penalty for a person who transfers a firearm in a private sale or transfer without a background check as: (1) A Class C misdemeanor for a first offense; (2) A Class A misdemeanor if the person has a prior conviction; (3) A Class C felony if the person has two or more previous convictions. Requires a person, other than a gun dealer, to have a "unique approval number" from the Oregon State Police when transferring a firearm in order to be immune from civil liability. Requires a person transferring a firearm, other than a gun dealer, to complete and retain a form approved by the Oregon State Police prior to transfer. Allows a gun dealer to complete a criminal background check on behalf of a person transferring a firearm and allows the gun dealer to charge a fee. Applies to transfers made after the effective date of the Act. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Many criminals obtain firearms through private sales
- Transfers to family members

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: ORS 166.412(1)(f) defines a "gun dealer" as a person engaged in the business, as defined in 18 U.S.C. 921 of selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or otherwise. Among other things, a gun dealer must do a criminal records background check through the Oregon State Police on the prospective purchaser. If the gun dealer fails to comply with the requirements of ORS 166.412(2), he or she is guilty of a Class A misdemeanor. ORS 166.438 requires a person transferring a firearm at a gun show to also do a background check on a prospective purchaser through the state police. Currently, there is no obligation on the seller of a firearm who is not a gun dealer or a seller at a gun show to do a background check of the prospective purchaser.

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This summary has not been adopted or officially endorsed by action of the committee.