

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3093**

1 On page 1 of the printed A-engrossed bill, line 2, after “166.370,” insert  
2 “166.436.”

3 In line 3, after “2014” insert “, and section 2, chapter 50, Oregon Laws  
4 2015 (Enrolled Senate Bill 941); and declaring an emergency”.

5 Delete lines 8 through 23 and insert:

6 “(b) Impose eligibility requirements for the issuance of a concealed  
7 handgun license or permit in that state that are of sufficient stringency that  
8 a person who qualifies for the other state’s license or permit would, if an  
9 Oregon resident, also qualify for a concealed handgun license under ORS  
10 166.291 and 166.292.”.

11 On page 5, after line 43, insert:

12 “**SECTION 10.** Section 2, chapter 50, Oregon Laws 2015 (Enrolled Senate  
13 Bill 941), is amended to read:

14 “**Sec. 2.** (1) As used in this section:

15 “(a) **‘Firearm’ does not include a low-velocity powder-actuated tool**  
16 **or similar apparatus.**

17 “[*(a)*] (b) ‘Transfer’ means the delivery of a firearm from a transferor to  
18 a transferee, including, but not limited to, the sale, gift, loan or lease of the  
19 firearm. ‘Transfer’ does not include the temporary provision of a firearm to  
20 a transferee if the transferor has no reason to believe the transferee is pro-  
21 hibited from possessing a firearm or intends to use the firearm in the com-  
22 mission of a crime, and the provision occurs:

1 “(A) At a shooting range, shooting gallery or other area designed for the  
2 purpose of target shooting, for use during target practice, a firearms safety  
3 or training course or class or a similar lawful activity;

4 “(B) For the purpose of hunting, trapping or target shooting, during the  
5 time in which the transferee is engaged in activities related to hunting,  
6 trapping or target shooting;

7 “(C) Under circumstances in which the transferee and the firearm are in  
8 the presence of the transferor;

9 “(D) To a transferee who is in the business of repairing firearms, for the  
10 time during which the firearm is being repaired;

11 “(E) To a transferee who is in the business of making or repairing custom  
12 accessories for firearms, for the time during which the accessories are being  
13 made or repaired; or

14 “(F) For the purpose of preventing imminent death or serious physical  
15 injury, and the provision lasts only as long as is necessary to prevent the  
16 death or serious physical injury.

17 “[*(b)*] **(c)** ‘Transferee’ means a person who is not a gun dealer or licensed  
18 as a manufacturer or importer under 18 U.S.C. 923 and who intends to re-  
19 ceive a firearm from a transferor.

20 “[*(c)*] **(d)** ‘Transferor’ means a person who is not a gun dealer or licensed  
21 as a manufacturer or importer under 18 U.S.C. 923 and who intends to de-  
22 liver a firearm to a transferee.

23 “(2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of  
24 this section, a transferor may not transfer a firearm to a transferee unless  
25 the transfer is completed through a gun dealer as described in subsection (3)  
26 of this section.

27 “(3)(a) A transferor may transfer a firearm to a transferee only as pro-  
28 vided in this section. Except as provided in paragraph (b) of this subsection,  
29 prior to the transfer both the transferor and the transferee must appear in  
30 person before a gun dealer, with the firearm, and request that the gun dealer

1 perform a criminal background check on the transferee.

2 “(b) If the transferor and the transferee reside over 40 miles from each  
3 other, the transferor may ship or deliver the firearm to a gun dealer located  
4 near the transferee or a gun dealer designated by the transferee, and the  
5 transferor need not appear before the gun dealer in person.

6 “(c) A gun dealer who agrees to complete a transfer of a firearm under  
7 this section shall request a criminal history record check on the transferee  
8 as described in ORS 166.412 and shall comply with all requirements of federal  
9 law.

10 “(d) If, upon completion of a criminal background check, the gun dealer:

11 “(A) Receives a unique approval number from the Department of State  
12 Police indicating that the transferee is qualified to complete the transfer, the  
13 gun dealer shall notify the transferor, enter the firearm into the gun dealer’s  
14 inventory and transfer the firearm to the transferee.

15 “(B) Receives notification that the transferee is prohibited by state or  
16 federal law from possessing or receiving the firearm, the gun dealer shall  
17 notify the transferor and neither the transferor nor the gun dealer shall  
18 transfer the firearm to the transferee. If the transferor shipped or delivered  
19 the firearm to the gun dealer pursuant to paragraph (b) of this subsection,  
20 the gun dealer shall comply with federal law when returning the firearm to  
21 the transferor.

22 “(e) A gun dealer may charge a reasonable fee for facilitating a firearm  
23 transfer pursuant to this section.

24 “(4) The requirements of subsections (2) and (3) of this section do not  
25 apply to:

26 “(a) The transfer of a firearm by or to a law enforcement agency, or by  
27 or to a law enforcement officer, private security professional or member of  
28 the Armed Forces of the United States, while that person is acting within  
29 the scope of official duties.

30 “(b) The transfer of a firearm as part of a firearm turn-in or buyback

1 event, in which a law enforcement agency receives or purchases firearms  
2 from members of the public.

3 “(c) The transfer of a firearm to:

4 “(A) A transferor’s spouse or domestic partner;

5 “(B) A transferor’s parent or stepparent;

6 “(C) A transferor’s child or stepchild;

7 “(D) A transferor’s sibling;

8 “(E) A transferor’s grandparent;

9 “(F) A transferor’s grandchild;

10 “(G) A transferor’s aunt or uncle;

11 “(H) A transferor’s first cousin;

12 “(I) A transferor’s niece or nephew; or

13 “(J) The spouse or domestic partner of a person specified in subpara-  
14 graphs (B) to (I) of this paragraph.

15 “(d) The transfer of a firearm that occurs because of the death of the  
16 firearm owner, provided that:

17 “(A) The transfer is conducted or facilitated by a personal representative,  
18 as defined in ORS 111.005, or a trustee of a trust created in a will; and

19 “(B) The transferee is related to the deceased firearm owner in a manner  
20 specified in paragraph (c) of this subsection.

21 “(5)(a) A transferor who fails to comply with the requirements of this  
22 section commits a Class A misdemeanor.

23 “(b) Notwithstanding paragraph (a) of this subsection, a transferor who  
24 fails to comply with the requirements of this section commits a Class B fel-  
25 ony if the transferor has a previous conviction under this section at the time  
26 of the offense.

27 **“SECTION 11.** If Senate Bill 315 becomes law, section 1, chapter  
28 \_\_\_\_\_, Oregon Laws 2015 (Enrolled Senate Bill 315), and section 10 of this  
29 2015 Act (both amending section 2, chapter 50, Oregon Laws 2015 (Enrolled  
30 Senate Bill 941)) are repealed, and section 2, chapter 50, Oregon Laws 2015

1 (Enrolled Senate Bill 941), is amended to read:

2 “**Sec. 2.** (1) As used in this section:

3 “(a) **‘Firearm’ does not include a low-velocity powder-actuated tool**  
4 **or similar apparatus.**

5 “[*a*] (b) ‘Transfer’ means the delivery of a firearm from a transferor to  
6 a transferee, including, but not limited to, the sale, gift, loan or lease of the  
7 firearm. ‘Transfer’ does not include the temporary provision of a firearm to  
8 a transferee if the transferor has no reason to believe the transferee is pro-  
9 hibited from possessing a firearm or intends to use the firearm in the com-  
10 mission of a crime, and the provision occurs:

11 “(A) At a shooting range, shooting gallery or other area designed for the  
12 purpose of target shooting, for use during target practice, a firearms safety  
13 or training course or class or a similar lawful activity;

14 “(B) For the purpose of hunting, trapping or target shooting, during the  
15 time in which the transferee is **preparing to engage in, is engaged in or**  
16 **is in the process of completing** activities related to hunting, trapping or  
17 target shooting;

18 “(C) Under circumstances in which the transferee and the firearm are in  
19 the presence of the transferor;

20 “(D) To a transferee who is in the business of repairing firearms, for the  
21 time during which the firearm is being repaired;

22 “(E) To a transferee who is in the business of making or repairing custom  
23 accessories for firearms, for the time during which the accessories are being  
24 made or repaired; or

25 “(F) For the purpose of preventing imminent death or serious physical  
26 injury, and the provision lasts only as long as is necessary to prevent the  
27 death or serious physical injury.

28 “[*b*] (c) ‘Transferee’ means a person who is not a gun dealer or licensed  
29 as a manufacturer or importer under 18 U.S.C. 923 and who intends to re-  
30 ceive a firearm from a transferor.

1        “[~~(c)~~] (d) ‘Transferor’ means a person who is not a gun dealer or licensed  
2 as a manufacturer or importer under 18 U.S.C. 923 and who intends to de-  
3 liver a firearm to a transferee.

4        “(2) Except as provided in ORS 166.436 and 166.438 and [*subsection (4)*]  
5 **subsections (4) and (5)** of this section, a transferor may not transfer a  
6 firearm to a transferee unless the transfer is completed through a gun dealer  
7 as described in subsection (3) of this section.

8        “(3)(a) A transferor may transfer a firearm to a transferee only as pro-  
9 vided in this section. Except as provided in paragraph (b) of this subsection,  
10 prior to the transfer both the transferor and the transferee must appear in  
11 person before a gun dealer, with the firearm, and request that the gun dealer  
12 perform a criminal background check on the transferee.

13        “(b) If the transferor and the transferee reside over 40 miles from each  
14 other, the transferor may ship or deliver the firearm to a gun dealer located  
15 near the transferee or a gun dealer designated by the transferee, and the  
16 transferor need not appear before the gun dealer in person.

17        “(c) A gun dealer who agrees to complete a transfer of a firearm under  
18 this section shall request a criminal history record check on the transferee  
19 as described in ORS 166.412 and shall comply with all requirements of federal  
20 law.

21        “(d) If, upon completion of a criminal background check, the gun dealer:

22        “(A) Receives a unique approval number from the Department of State  
23 Police indicating that the transferee is qualified to complete the transfer, the  
24 gun dealer shall notify the transferor, enter the firearm into the gun dealer’s  
25 inventory and transfer the firearm to the transferee.

26        “(B) Receives notification that the transferee is prohibited by state or  
27 federal law from possessing or receiving the firearm, the gun dealer shall  
28 notify the transferor and neither the transferor nor the gun dealer shall  
29 transfer the firearm to the transferee. If the transferor shipped or delivered  
30 the firearm to the gun dealer pursuant to paragraph (b) of this subsection,

1 the gun dealer shall comply with federal law when returning the firearm to  
2 the transferor.

3 “(e) A gun dealer may charge a reasonable fee for facilitating a firearm  
4 transfer pursuant to this section.

5 “(4) The requirements of subsections (2) and (3) of this section do not  
6 apply to:

7 “(a) The transfer of a firearm by or to a law enforcement agency, or by  
8 or to a law enforcement officer, private security professional or member of  
9 the Armed Forces of the United States, while that person is acting within  
10 the scope of official duties.

11 “(b) The transfer of a firearm as part of a firearm turn-in or buyback  
12 event, in which a law enforcement agency receives or purchases firearms  
13 from members of the public.

14 “(c) The transfer of a firearm to:

15 “(A) A transferor’s spouse or domestic partner;

16 “(B) A transferor’s parent or stepparent;

17 “(C) A transferor’s child or stepchild;

18 “(D) A transferor’s sibling;

19 “(E) A transferor’s grandparent;

20 “(F) A transferor’s grandchild;

21 “(G) A transferor’s aunt or uncle;

22 “(H) A transferor’s first cousin;

23 “(I) A transferor’s niece or nephew; or

24 “(J) The spouse or domestic partner of a person specified in subpara-  
25 graphs (B) to (I) of this paragraph.

26 “(d) The transfer of a firearm that occurs because of the death of the  
27 firearm owner, provided that:

28 “(A) The transfer is conducted or facilitated by a personal representative,  
29 as defined in ORS 111.005, or a trustee of a trust created in a will; and

30 “(B) The transferee is related to the deceased firearm owner in a manner

1 specified in paragraph (c) of this subsection.

2 **“(5)(a) A transferor temporarily transferring a firearm without**  
3 **consideration for a period of no more than seven calendar days to a**  
4 **transferee who is personally known to the transferor may request a**  
5 **criminal background check under ORS 166.436 instead of completing**  
6 **the transfer through a gun dealer as described in subsections (2) and**  
7 **(3) of this section.**

8 **“(b) A transferor who requests a criminal background check under**  
9 **paragraph (a) of this subsection instead of completing the transfer**  
10 **through a gun dealer:**

11 **“(A) Shall have the transferee complete the form described in ORS**  
12 **166.441, shall retain the completed form and shall make the completed**  
13 **form available to law enforcement agencies for the purpose of a**  
14 **criminal investigation.**

15 **“(B) May not transfer the firearm to the transferee unless the**  
16 **transferor receives a unique approval number from the Department**  
17 **of State Police indicating that the transferee is qualified to complete**  
18 **the transfer.**

19 **“(C) Commits a Class A misdemeanor if the transferred firearm, as**  
20 **a result of the temporary transfer:**

21 **“(i) Is used in the commission of a crime; or**

22 **“(ii) Is possessed by a person prohibited from possessing a firearm**  
23 **under state or federal law.**

24 **“[(5)(a)] (6)(a) A transferor who fails to comply with the requirements of**  
25 **this section commits a Class A misdemeanor.**

26 **“(b) Notwithstanding paragraph (a) of this subsection, a transferor who**  
27 **fails to comply with the requirements of this section commits a Class B fel-**  
28 **ony if the transferor has a previous conviction under this section at the time**  
29 **of the offense.**

30 **“SECTION 12. If Senate Bill 315 becomes law, section 2, chapter**



1 ———, Oregon Laws 2015 (Enrolled Senate Bill 315) (amending ORS 166.436),  
2 is repealed, and ORS 166.436, as amended by section 3, chapter 50, Oregon  
3 Laws 2015 (Enrolled Senate Bill 941), is amended to read:

4 “166.436. (1) The Department of State Police shall make the telephone  
5 number established under ORS 166.412 (5) available for requests for criminal  
6 background checks under this section from persons who are not gun dealers  
7 and who are transferring firearms at gun shows **and from transferors**  
8 **temporarily transferring firearms under section 2 (5), chapter 50,**  
9 **Oregon Laws 2015 (Enrolled Senate Bill 941).**

10 “(2) Prior to transferring a firearm at a gun show **or in accordance with**  
11 **section 2 (5), chapter 50, Oregon Laws 2015 (Enrolled Senate Bill 941),**  
12 a transferor who is not a gun dealer may request by telephone that the de-  
13 partment conduct a criminal background check on the recipient and shall  
14 provide the following information to the department:

15 “(a) The name, address and telephone number of the transferor;

16 “(b) The make, model, caliber and manufacturer’s number of the firearm  
17 being transferred;

18 “(c) The name, date of birth, race, sex and address of the recipient;

19 “(d) The Social Security number of the recipient if the recipient volun-  
20 tarily provides that number;

21 “(e) The address of the place where the transfer is occurring; and

22 “(f) The type, issuer and identification number of a current piece of  
23 identification bearing a recent photograph of the recipient presented by the  
24 recipient. The identification presented by the recipient must meet the re-  
25 quirements of ORS 166.412 (4)(a).

26 “(3)(a) Upon receipt of a request for a criminal background check under  
27 this section, the department shall immediately, during the telephone call or  
28 by return call:

29 “(A) Determine from criminal records and other information available to  
30 it whether the recipient is disqualified under ORS 166.470 from completing

1 the transfer or is otherwise prohibited by state or federal law from possess-  
2 ing a firearm; and

3 “(B) Notify the transferor when a recipient is disqualified from complet-  
4 ing the transfer or provide the transferor with a unique approval number  
5 indicating that the recipient is qualified to complete the transfer. The unique  
6 approval number is a permit valid for 24 hours for the requested transfer. If  
7 the firearm is not transferred from the transferor to the recipient within 24  
8 hours after receipt of the unique approval number, a new request must be  
9 made by the transferor.

10 “(b) If the department is unable to determine whether the recipient is  
11 qualified for or disqualified from completing the transfer within 30 minutes  
12 of receiving the request, the department shall notify the transferor and pro-  
13 vide the transferor with an estimate of the time when the department will  
14 provide the requested information.

15 “(4) A public employee or public agency incurs no criminal or civil li-  
16 ability for performing the criminal background checks required by this sec-  
17 tion, provided the employee or agency acts in good faith and without malice.

18 “(5)(a) The department may retain a record of the information obtained  
19 during a request for a criminal background check under this section for the  
20 period of time provided in ORS 166.412 (7).

21 “(b) The record of the information obtained during a request for a crimi-  
22 nal background check under this section is exempt from disclosure under  
23 public records law.

24 “(c) If the department determines that a recipient is prohibited from pos-  
25 sessing a firearm under ORS 166.250 (1)(c), as soon as practicable, the de-  
26 partment may report the attempted transfer and the recipient’s name to the  
27 appropriate law enforcement agency.

28 “(6) The recipient of the firearm must be present when the transferor re-  
29 quests a criminal background check under this section.

30 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection

1 **and section 2 (5), chapter 50, Oregon Laws 2015 (Enrolled Senate Bill**  
2 **941)**, a transferor who receives notification under this section that the re-  
3 cipient is qualified to complete the transfer of a firearm, has the recipient  
4 fill out the form required by ORS 166.438 (1)(a) and retains the form as re-  
5 quired by ORS 166.438 (2) is immune from civil liability for any use of the  
6 firearm from the time of the transfer unless the transferor knows, or rea-  
7 sonably should know, that the recipient is likely to commit an unlawful act  
8 involving the firearm.

9 “(b) The immunity provided by paragraph (a) of this subsection does not  
10 apply:

11 “(A) If the transferor knows, or reasonably should know, that the recipi-  
12 ent of the firearm intends to deliver the firearm to a third person who the  
13 transferor knows, or reasonably should know, may not lawfully possess the  
14 firearm; or

15 “(B) In any product liability civil action under ORS 30.900 to 30.920.

16 **“SECTION 13. This 2015 Act being necessary for the immediate**  
17 **preservation of the public peace, health and safety, an emergency is**  
18 **declared to exist, and this 2015 Act takes effect on its passage.”.**

19

---