

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

1 On page 1 of the printed A-engrossed bill, line 3, after “2014” insert “, and
2 section 2, chapter 50, Oregon Laws 2015 (Enrolled Senate Bill 941); and de-
3 claring an emergency”.

4 Delete lines 8 through 23 and insert:

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

10 On page 5, after line 43, insert:

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

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

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

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

22 “(A) At a shooting range, shooting gallery or other area designed for the

1 purpose of target shooting, for use during target practice, a firearms safety
2 or training course or class or a similar lawful activity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(b) The transfer of a firearm as part of a firearm turn-in or buyback
30 event, in which a law enforcement agency receives or purchases firearms

1 from members of the public.

2 “(c) The transfer of a firearm to:

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

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

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

6 “(D) A transferor’s sibling;

7 “(E) A transferor’s grandparent;

8 “(F) A transferor’s grandchild;

9 “(G) A transferor’s aunt or uncle;

10 “(H) A transferor’s first cousin;

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

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

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

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

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

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

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

26 **“SECTION 11. This 2015 Act being necessary for the immediate**
27 **preservation of the public peace, health and safety, an emergency is**
28 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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