

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/11/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/04, 02/11

Vote:

Yeas: 5 - Barker, Barton, Greenlick, Lininger, Vega Pederson

Nays: 4 - Krieger, Olson, Post, Sprenger

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Prohibits gun dealer from transferring handgun to purchaser without unique approval number from Department of State Police for period of ten business days following request for background check. Prohibits person from transferring firearm to another for period of ten business days if Department is unable to determine if transferee is qualified or disqualified to receive firearm. Requires Department to report to local law enforcement when it determines a person is prohibited from possessing firearm and attempt to transfer was made. Requires notification to U.S. Attorney, district attorney in jurisdiction, and local law enforcement. Requires report within 24 hours of determination, unless it would compromise ongoing investigation. Requires annual report on attempted purchases by those prohibited from possessing firearm. Specifies firearm does not include power actuated device or construction tools.

ISSUES DISCUSSED:

- Delays in background checks may be hours or weeks
- Difficulty in verifying out-of-state convictions that may disqualify a buyer
- Problems with background check system
- Desire to prevent transfers to persons who are prohibited from possessing firearms
- Protection of constitutional rights

EFFECT OF COMMITTEE AMENDMENT:

Allows for transfer of firearm if ten business days have passed without approval or disqualification from the Department of State Police. Expands reporting requirements of Department when it determines attempted transfer was made by person prohibited from possessing firearm. Requires notification to U.S. Attorney, district attorney in jurisdiction, and local law enforcement. Requires report within 24 hours of determination, unless it would compromise ongoing investigation. Requires annual report on attempted purchases by those prohibited from possessing firearm. Specifies firearm does not include power actuated device or construction tools.

BACKGROUND:

Oregon statutes specify the procedure for both purchasing a handgun from a firearm dealer, purchasing a firearm at a gun show from individuals who are not dealers, and for transfers of firearms between individuals. In all cases, some form of background check is completed by the Oregon State Police, which provides a unique approval number for qualifying sales or transfers, or will alert the seller or dealer that the individual is disqualified from taking possession of the firearm. In some cases, the Department is not able to immediately determine whether the purchaser is qualified or disqualified. In the case of a sale through a gun dealer, if the Department is unable to verify the status of the purchaser, the dealer may deliver the handgun to handgun after a certain period of time has elapsed.

House Bill 4147 A extends the time period for waiting for an approval number or disqualification from the Department to ten business days from the time of the request. After ten business days, the dealer who requested the check may release the firearm at the dealer's discretion, or may help facilitate a private transfer if the background check was completed as part of a

private transfer. Additionally, the measure enhances the reporting requirements of the Department in cases in which a person was disqualified from purchasing a firearm but attempted to do so.