

HOUSE AMENDMENTS TO HOUSE BILL 4147

By COMMITTEE ON JUDICIARY

February 16

1 On page 1 of the printed bill, line 21, restore the bracketed material and delete the boldfaced
2 material.

3 On page 2, delete lines 27 and 28.

4 After line 32, insert:

5 “(c) If, after 10 business days following the request by the dealer for a criminal history record
6 check, the department has failed to provide either a unique approval number to the gun dealer or
7 notification to the gun dealer that the purchaser is disqualified under paragraph (a) of this sub-
8 section, the gun dealer may, at the gun dealer’s discretion, deliver the handgun to the purchaser.”.

9 On page 3, delete lines 12 through 14 and insert:

10 “(c) If the department determines that a purchaser is prohibited from possessing a firearm under
11 ORS 166.250 (1)(c), the department shall report the attempted transfer and the purchaser’s name to
12 the United States Attorney for the District of Oregon and to all state and local law enforcement
13 agencies and district attorneys that have jurisdiction over the location or locations where the at-
14 tempted transfer was made and where the purchaser resides.

15 “(d) If the department determines that the purchaser is prohibited from possessing a firearm as
16 a condition of probation under ORS 137.540 (1)(L), the department shall report the attempted trans-
17 fer to the purchaser’s probation officer.

18 “(e) If the department determines that the purchaser is prohibited from possessing a firearm due
19 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer
20 to the court that issued the order.

21 “(f) The report required by paragraphs (c), (d) and (e) of this subsection shall be made within
22 24 hours after the determination is made, unless the report would compromise an ongoing investi-
23 gation, in which case the report may be delayed as long as necessary to avoid compromising the
24 investigation.

25 “(g) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s
26 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
27 endar year shall inform the department of the action that was taken concerning each attempted
28 transfer and the outcome of the action.

29 “(h) After receiving the information described in paragraph (g) of this subsection, the depart-
30 ment shall annually publish a written report detailing the following information for the previous
31 year:

32 “(A) The number of attempted purchasers whom the department determined were prohibited
33 from possessing a firearm under ORS 166.250 (1)(c), arranged by category of prohibited possessor;

34 “(B) The number of reports made pursuant to paragraph (c) of this subsection;

35 “(C) The number of investigations arising from the reports made pursuant to paragraph (c) of

1 this subsection, the number of investigations concluded and the number of investigations referred
2 for prosecution, all arranged by category of prohibited possessor; and

3 “(D) The number of criminal charges arising from the reports made pursuant to paragraph (c)
4 of this subsection and the disposition of the charges, both arranged by category of prohibited
5 possessor.”.

6 After line 37, insert:

7 “(a) ‘Firearm’ does not include a powder-actuated tool or other device designed to be used for
8 construction purposes, or an emergency flare.”.

9 In line 38, delete “(a)” and insert “(b)”.

10 On page 4, line 11, delete “(b)” and insert “(c)”.

11 In line 13, delete “(c)” and insert “(d)”.

12 In lines 33 and 34, delete the boldfaced material.

13 After line 37, insert:

14 “(e) Except as provided in paragraph (f) of this subsection, if, after requesting a criminal back-
15 ground check, the gun dealer receives notification pursuant to ORS 166.412 (3)(b) that the depart-
16 ment is unable to determine if the transferee is qualified or disqualified from completing the
17 transfer, the gun dealer shall notify the transferor and neither the transferor nor the gun dealer
18 shall transfer the firearm to the transferee.

19 “(f) If, after 10 business days following the criminal background check request, the department
20 has failed to provide either a unique approval number or notification that the transferee is prohib-
21 ited by state or federal law from possessing or receiving the firearm, the gun dealer may, at the gun
22 dealer’s discretion, facilitate the transfer of the firearm to the transferee as described in paragraph
23 (d)(A) of this subsection.”.

24 In line 38, delete “(e)” and insert “(g)”.

25 On page 6, delete lines 15 through 17 and insert:

26 “(c) If the department determines that a recipient is prohibited from possessing a firearm under
27 ORS 166.250 (1)(c), the department shall report the attempted transfer and the recipient’s name to
28 the United States Attorney for the District of Oregon and to all state and local law enforcement
29 agencies and district attorneys that have jurisdiction over the location or locations where the at-
30 tempted transfer was made and where the recipient resides.

31 “(d) If the department determines that the recipient is prohibited from possessing a firearm as
32 a condition of probation under ORS 137.540 (1)(L), the department shall report the attempted trans-
33 fer to the recipient’s probation officer.

34 “(e) If the department determines that the recipient is prohibited from possessing a firearm due
35 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer
36 to the court that issued the order.

37 “(f) The report required by paragraphs (c), (d) and (e) of this subsection shall be made within
38 24 hours after the determination is made, unless the report would compromise an ongoing investi-
39 gation, in which case the report may be delayed as long as necessary to avoid compromising the
40 investigation.

41 “(g) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s
42 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
43 endar year shall inform the department of the action that was taken concerning each attempted
44 transfer and the outcome of the action.

45 “(h) After receiving the information described in paragraph (g) of this subsection, the depart-

1 ment shall annually publish a written report detailing the following information for the previous
2 year:

3 “(A) The number of attempted purchasers whom the department determined were prohibited
4 from possessing a firearm under ORS 166.250 (1)(c), arranged by category of prohibited possessor;

5 “(B) The number of reports made pursuant to paragraph (c) of this subsection;

6 “(C) The number of investigations arising from the reports made pursuant to paragraph (c) of
7 this subsection, the number of investigations concluded and the number of investigations referred
8 for prosecution, all arranged by category of prohibited possessor; and

9 “(D) The number of criminal charges arising from the reports made pursuant to paragraph (c)
10 of this subsection and the disposition of the charges, both arranged by category of prohibited
11 possessor.”.

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