

HB 4147-6
(LC 263)
2/8/16 (JLM/ps)

Requested by Representative POST

**PROPOSED AMENDMENTS TO
HOUSE BILL 4147**

1 On page 1 of the printed bill, line 2, delete “166.435 and”.

2 In line 3, after “166.436” insert “and 166.470”.

3 In line 21, restore the bracketed material and delete the boldfaced mate-
4 rial.

5 On page 2, lines 27 through 32, restore the bracketed material and delete
6 the boldfaced material.

7 On page 3, line 9, after the period insert “However, the department may
8 not retain the manufacturer’s number of a firearm obtained during a request
9 for a criminal history record check on behalf of a transferor other than a
10 gun dealer under ORS 166.435 or 166.436 if the department provides a unique
11 approval number authorizing the transfer.”.

12 Delete lines 36 through 45 and delete page 4.

13 On page 5, delete lines 1 through 23.

14 In line 24, delete “3” and insert “2”.

15 On page 6, after line 30, insert:

16 **“SECTION 3.** ORS 166.470 is amended to read:

17 “166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274
18 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
19 of another jurisdiction, a person may not intentionally sell, deliver or oth-
20 erwise transfer any firearm [*when the transferor knows or reasonably should*
21 *know that the*] **to a recipient who:**

1 “(a) Is under 18 years of age;

2 “(b) Has been convicted of a felony;

3 “(c) Has any outstanding felony warrants for arrest;

4 “(d) Is free on any form of pretrial release for a felony;

5 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

6 “(f) After January 1, 1990, was found to be a person with mental illness

7 and subject to an order under ORS 426.130 that the person be prohibited from

8 purchasing or possessing a firearm as a result of that mental illness;

9 “(g) Has been convicted of a misdemeanor involving violence or found

10 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-

11 olence within the previous four years. As used in this paragraph,

12 ‘misdemeanor involving violence’ means a misdemeanor described in ORS

13 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b);

14 “(h) Is presently subject to an order under ORS 426.133 prohibiting the

15 person from purchasing or possessing a firearm; or

16 “(i) Has been found guilty except for insanity under ORS 161.295 of a

17 felony.

18 “(2) A person may not sell, deliver or otherwise transfer any firearm that

19 the person knows or reasonably should know is stolen.

20 “(3) Subsection (1)(a) of this section does not prohibit:

21 “(a) The parent or guardian, or another person with the consent of the

22 parent or guardian, of a minor from transferring to the minor a firearm,

23 other than a handgun; or

24 “(b) The temporary transfer of any firearm to a minor for hunting, target

25 practice or any other lawful purpose.

26 “(4)(a) Violation of this section is a Class A misdemeanor.

27 “(b) **Notwithstanding paragraph (a) of this subsection, violation of**

28 **this section is a Class B felony if the defendant has a previous con-**

29 **viction under this section at the time of the offense.**

30 “(5) **A person is immune from prosecution under this section if the**

1 **person requested a criminal background check, as defined in ORS**
2 **166.432, on the recipient prior to the transfer.”.**

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