

Requested by Representative WILLIAMSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4147**

1 On page 1 of the printed bill, line 21, restore the bracketed material and
2 delete the boldfaced 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
6 criminal history record check, the department has failed to provide either a
7 unique approval number to the gun dealer or notification to the gun dealer
8 that the purchaser is disqualified under paragraph (a) of this subsection, the
9 gun dealer may, at the gun dealer’s discretion, deliver the handgun to the
10 purchaser.”.

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

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

19 “(d) If the department determines that the purchaser is prohibited from
20 possessing a firearm as a condition of probation under ORS 137.540 (1)(L),
21 the department shall report the attempted transfer to the purchaser’s pro-

1 bation officer.

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

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

10 “(g) On or before January 31 of each year, a law enforcement agency or
11 a prosecuting attorney’s office that received a report pursuant to paragraph
12 (c) of this subsection during the previous calendar year shall inform the de-
13 partment of the action that was taken concerning each attempted transfer
14 and the outcome of the action.

15 “(h) After receiving the information described in paragraph (g) of this
16 subsection, the department shall annually publish a written report detailing
17 the following information for the previous year:

18 “(A) The number of attempted purchasers whom the department deter-
19 mined were prohibited from possessing a firearm under ORS 166.250 (1)(c),
20 arranged by category of prohibited possessor;

21 “(B) The number of reports made pursuant to paragraph (c) of this sub-
22 section;

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

27 “(D) The number of criminal charges arising from the reports made pur-
28 suant to paragraph (c) of this subsection and the disposition of the charges,
29 both arranged by category of prohibited possessor.”.

30 After line 37, insert:

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

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

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

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

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

7 After line 37, insert:

8 “(e) Except as provided in paragraph (f) of this subsection, if, after re-
9 questing a criminal background check, the gun dealer receives notification
10 pursuant to ORS 166.412 (3)(b) that the department is unable to determine
11 if the transferee is qualified or disqualified from completing the transfer, the
12 gun dealer shall notify the transferor and neither the transferor nor the gun
13 dealer shall transfer the firearm to the transferee.

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

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

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

22 “(c) If the department determines that a recipient is prohibited from pos-
23 sessing a firearm under ORS 166.250 (1)(c), the department shall report the
24 attempted transfer and the recipient’s name to the United States Attorney
25 for the District of Oregon and to all state and local law enforcement agen-
26 cies and district attorneys that have jurisdiction over the location or lo-
27 cations where the attempted transfer was made and where the recipient
28 resides.

29 “(d) If the department determines that the recipient is prohibited from
30 possessing a firearm as a condition of probation under ORS 137.540 (1)(L),

1 the department shall report the attempted transfer to the recipient's pro-
2 bation officer.

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

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

11 “(g) On or before January 31 of each year, a law enforcement agency or
12 a prosecuting attorney's office that received a report pursuant to paragraph
13 (c) of this subsection during the previous calendar year shall inform the de-
14 partment of the action that was taken concerning each attempted transfer
15 and the outcome of the action.

16 “(h) After receiving the information described in paragraph (g) of this
17 subsection, the department shall annually publish a written report detailing
18 the following information for the previous year:

19 “(A) The number of attempted purchasers whom the department deter-
20 mined were prohibited from possessing a firearm under ORS 166.250 (1)(c),
21 arranged by category of prohibited possessor;

22 “(B) The number of reports made pursuant to paragraph (c) of this sub-
23 section;

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

28 “(D) The number of criminal charges arising from the reports made pur-
29 suant to paragraph (c) of this subsection and the disposition of the charges,
30 both arranged by category of prohibited possessor.”.

