

## **SB 797 -3, -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 4/17

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#### **WHAT THE MEASURE DOES:**

Prohibits transfer of firearm by gun dealer or private party if Department of State Police is unable to determine whether recipient is qualified to receive firearm. Requires Department of State Police to notify United States Attorney and certain state and local law enforcement agencies when recipient is prohibited from possessing firearm. Requires department to publish report detailing attempted unlawful purchases each year. Expands definition of relationship status pertaining to types of court orders and misdemeanor convictions that prohibit person from possessing firearm to include family or household member. Adds stalking to misdemeanor convictions that prohibit person from possessing firearm.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-3 Directs department to create rules allowing a disqualified recipient to obtain the reason for the disqualification and allowing the disqualified recipient to submit additional information to the department. Requires the department, within three days of receipt of this additional information, to determine and if the recipient is qualified to receive a firearm.

-4 Directs department to create procedures for transferee to contact department to obtain reason for disqualification and for transferee to provide additional information to department concerning disqualification. Expands crime of unlawful possession of a firearm to include persons subject to court order that remains in effect after person received notice or opportunity for hearing and declined to request hearing.

#### **BACKGROUND:**

Oregon law requires a gun dealer to contact the Department of State Police (department) to determine if a possible recipient of a firearm is qualified to receive the firearm. If the department does not inform the gun dealer by close of the next business day the gun dealer may deliver the firearm to the recipient. Senate Bill 797 prohibits the dealer from transferring a firearm unless the dealer receives approval from the department. SB 797 also adds a requirement that the department notify the United States Attorney for the District of Oregon and all state and local law enforcement agencies, district attorneys, courts or probation officer with jurisdiction when the department determines that a person attempted to receive a firearm that is prohibited from possessing firearms. This notification must occur within 24 hours. These law enforcement agencies or prosecuting attorney's office must then inform the department of any action that was taken concerning these attempted transfer. The department will then issue an annual written report detailing these attempted transfers. Finally, SB 797 makes conforming amendments.

**SB 797 -3, -4 STAFF MEASURE SUMMARY**

Current law prohibits persons from possessing a firearm if they are subject to certain court orders or convicted of certain misdemeanors that involve the persons intimate partner. SB 797 expands this to apply to certain court orders or certain misdemeanor convictions involving a family or household member. It also adds stalking to the misdemeanor convictions that prohibit a person from possessing a firearm.