

# Senate Bill 667

Sponsored by Senator OLSEN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines term "antique firearm." Provides that unlicensed person transferring antique firearm to another unlicensed person is not required to request criminal background check.

## A BILL FOR AN ACT

1  
2 Relating to private transfers of antique firearms; amending ORS 166.435.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 166.435 is amended to read:

5 166.435. (1) As used in this section:

6 (a) **"Antique firearm" has the meaning given that term in ORS 166.210.**

7 (b) **"Firearm" has the meaning given that term in ORS 166.210. "Firearm" does not in-**  
8 **clude an antique firearm.**

9 [(a)] (c) "Transfer" means the delivery of a firearm from a transferor to a transferee, including,  
10 but not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the tem-  
11 porary provision of a firearm to a transferee if the transferor has no reason to believe the transferee  
12 is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime,  
13 and the provision occurs:

14 (A) At a shooting range, shooting gallery or other area designed for the purpose of target  
15 shooting, for use during target practice, a firearms safety or training course or class or a similar  
16 lawful activity;

17 (B) For the purpose of hunting, trapping or target shooting, during the time in which the  
18 transferee is engaged in activities related to hunting, trapping or target shooting;

19 (C) Under circumstances in which the transferee and the firearm are in the presence of the  
20 transferor;

21 (D) To a transferee who is in the business of repairing firearms, for the time during which the  
22 firearm is being repaired;

23 (E) To a transferee who is in the business of making or repairing custom accessories for  
24 firearms, for the time during which the accessories are being made or repaired; or

25 (F) For the purpose of preventing imminent death or serious physical injury, and the provision  
26 lasts only as long as is necessary to prevent the death or serious physical injury.

27 [(b)] (d) "Transferee" means a person who is not a gun dealer or licensed as a manufacturer or  
28 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

29 [(c)] (e) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer or  
30 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

31 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as  
2 described in subsection (3) of this section.

3 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
4 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
5 transferee must appear in person before a gun dealer, with the firearm, and request that the gun  
6 dealer perform a criminal background check on the transferee.

7 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may  
8 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated  
9 by the transferee, and the transferor need not appear before the gun dealer in person.

10 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request  
11 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with  
12 all requirements of federal law.

13 (d) If, upon completion of a criminal background check, the gun dealer:

14 (A) Receives a unique approval number from the Department of State Police indicating that the  
15 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the  
16 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

17 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
18 or receiving the firearm, the gun dealer shall notify the transferor and neither the transferor nor  
19 the gun dealer shall transfer the firearm to the transferee. If the transferor shipped or delivered the  
20 firearm to the gun dealer pursuant to paragraph (b) of this subsection, the gun dealer shall comply  
21 with federal law when returning the firearm to the transferor.

22 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this  
23 section.

24 (4) The requirements of subsections (2) and (3) of this section do not apply to:

25 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement  
26 officer, private security professional or member of the Armed Forces of the United States, while that  
27 person is acting within the scope of official duties.

28 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law  
29 enforcement agency receives or purchases firearms from members of the public.

30 (c) The transfer of a firearm to:

31 (A) A transferor's spouse or domestic partner;

32 (B) A transferor's parent or stepparent;

33 (C) A transferor's child or stepchild;

34 (D) A transferor's sibling;

35 (E) A transferor's grandparent;

36 (F) A transferor's grandchild;

37 (G) A transferor's aunt or uncle;

38 (H) A transferor's first cousin;

39 (I) A transferor's niece or nephew; or

40 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
41 agraph.

42 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided  
43 that:

44 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
45 111.005, or a trustee of a trust created in a will; and

1 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph  
2 (c) of this subsection.

3 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class  
4 A misdemeanor.

5 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the  
6 requirements of this section commits a Class B felony if the transferor has a previous conviction  
7 under this section at the time of the offense.

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