

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 1543

By COMMITTEE ON JUDICIARY

March 1

- 1 On page 1 of the printed A-engrossed bill, line 2, after “137.225,” insert “137.372,”.
- 2 In line 3, after “162.375,” insert “166.412, 166.436,” and after the semicolon delete the rest of the  
3 line and line 4 and insert “and declaring an emergency.”.
- 4 Delete lines 6 through 11.
- 5 On page 2, delete lines 1 through 22 and insert:
- 6 **“SECTION 1.** ORS 180.700 is amended to read:
- 7 “180.700. (1) The Attorney General shall appoint an advisory committee composed [*at least*] of:
- 8 **“(a)** Representatives from local supervisory authorities, batterers’ intervention programs and  
9 domestic violence victims’ advocacy groups; **and**
- 10 **“(b) Persons who:**
- 11 **“(A) Are experienced with evidence-based practices specific to reducing recidivism that**  
12 **take into account risk factors, needs and responsiveness to treatment; and**
- 13 **“(B) Represent the diverse groups that interact with violence prevention and batterers’**  
14 **intervention programs.**
- 15 **“(2)** The Attorney General, in consultation with the advisory committee, shall adopt rules that  
16 establish standards for batterers’ intervention programs. The rules adopted must include, but are  
17 not limited to:
- 18 “[1] (a) Standards for contacts between the defendant and the victim;
- 19 “[2] (b) Standards for the dissemination of otherwise confidential medical, mental health and  
20 treatment records;
- 21 “[3] (c) Standards that protect to the greatest extent practicable the confidentiality of defend-  
22 ants who are participating in domestic violence deferred sentencing agreements;
- 23 “[4] (d) A requirement that the designated batterers’ intervention program must report to the  
24 defendant’s local supervisory authority any criminal assaults, threats to harm the victim or any  
25 substantial violation of the program’s rules by the defendant; and
- 26 “[5] (e) Standards for batterers’ intervention programs that are most likely to end domestic  
27 violence and increase victims’ safety.
- 28 **“(3) The standards established by the rules described in subsection (2) of this section**  
29 **must:**
- 30 **“(a) Consist of separate standards for batterers’ intervention programs that address male**  
31 **defendants, female defendants, defendants offending against same-sex victims and circum-**  
32 **stances in which the defendant or victim is gender nonconforming; and**
- 33 **“(b) Be based on scientific research and direct practice both with persons who have**  
34 **perpetrated domestic violence and with persons who have survived domestic violence.**
- 35 **“(4) As used in this section, ‘supervisory authority’ has the meaning given that term in**

1 **ORS 144.087.”.**

2 On page 4, delete lines 29 through 45 and delete page 5.

3 On page 6, delete lines 1 through 35 and insert:

4 **“SECTION 5.** ORS 161.336 is amended to read:

5 “161.336. (1)(a) When a person is conditionally released under ORS 161.315 to 161.351, the person  
6 is subject to those supervisory orders of the Psychiatric Security Review Board as are in the best  
7 interests of justice, the protection of society and the welfare of the person.

8 “(b) An order of conditional release entered by the board may designate any person or state,  
9 county or local agency capable of supervising the person upon release, subject to the conditions  
10 described in the order of conditional release.

11 “(c) Prior to the designation, the board shall notify the person or state, county or local agency  
12 to whom conditional release is contemplated and provide the person or state, county or local agency  
13 an opportunity to be heard.

14 “(d) After receiving an order entered under this section, the person or state, county or local  
15 agency designated in the order shall assume supervision of the person in accordance with the con-  
16 ditions described in the order and any modifications of the conditions ordered by the board.

17 “(2) Conditions of release contained in orders entered under this section may be modified from  
18 time to time and conditional releases may be terminated as provided in ORS 161.351.

19 “(3)(a) As a condition of release, the person may be required to report to any state or local  
20 mental health facility for evaluation. Whenever medical, psychiatric or psychological treatment is  
21 recommended, the order may require the person, as a condition of release, to cooperate with and  
22 accept the treatment from the facility.

23 “(b) The facility to which the person has been referred for evaluation shall perform the evalu-  
24 ation and submit a written report of its findings to the board. If the facility finds that treatment of  
25 the person is appropriate, it shall include its recommendations for treatment in the report to the  
26 board.

27 “(c) Whenever treatment is provided by the facility, it shall furnish reports to the board on a  
28 regular basis concerning the progress of the person.

29 “(d) Copies of all reports submitted to the board pursuant to this section shall be furnished to  
30 the person and the person’s counsel. The confidentiality of these reports is determined pursuant to  
31 ORS 192.338, 192.345 and 192.355.

32 “(e) The facility shall comply with the conditional release order and any modifications of the  
33 conditions ordered by the board.

34 “[*(4)(a) If at any time while the person is under the jurisdiction of the board it appears to the board  
35 or its chairperson that the person has violated the terms of the conditional release or that the mental  
36 health of the individual has changed, the board or its chairperson may order the person returned for  
37 evaluation or treatment to a state hospital or, if the person is under 18 years of age, to a secure in-  
38 tensive community inpatient facility. A written order of the board, or its chairperson on behalf of the  
39 board, is sufficient warrant for any law enforcement officer to take into custody such person and  
40 transport the person accordingly. A sheriff, municipal police officer, constable, parole and probation  
41 officer, prison official or other peace officer shall execute the order, and the person shall be returned  
42 as soon as practicable to the state hospital or secure intensive community inpatient facility designated  
43 in the order.*]

44 **“(4)(a)(A) A written or electronic order for the return of a person on conditional release  
45 to a state hospital or other facility designated by the supervising entity or, if the person is**

1 under 18 years of age, to a secure intensive community inpatient facility or other facility  
2 designated by the supervising entity, may be issued by:

3 “(i) The supervising entity;

4 “(ii) A person designated by the supervising entity, if the designation is made as part of  
5 a written policy; or

6 “(iii) The community mental health program director, if the person has absconded from  
7 conditional release.

8 “(B) An order described in this paragraph may be issued when the supervising entity, the  
9 authorized designee or, if the person has absconded, the community mental health program  
10 director, has determined that:

11 “(i) The person has violated the terms of conditional release; or

12 “(ii) The mental health of the person has changed such that the supervising entity, or,  
13 if applicable, the authorized designee or the community mental health program director,  
14 reasonably believes that the person may no longer be fit for conditional release.

15 “(C) A written order under this paragraph is sufficient warrant for any law enforcement  
16 officer to take into custody and transport the person named in the order. A peace officer  
17 shall execute the order and the person shall be transported as described in paragraph (c) of  
18 this subsection.

19 “(b) [*The community mental health program director*] A peace officer, the director of the facility  
20 providing treatment to a person on conditional release[, *any peace officer*] or any person responsible  
21 for the supervision of a person on conditional release may take a person on conditional release into  
22 custody, or request that the person be taken into custody, if there is reasonable cause to believe  
23 the person is a substantial danger to others because of a [*qualifying*] mental disorder and that the  
24 person is in need of immediate care, custody or treatment. [*Any person taken into custody pursuant*  
25 *to this subsection shall be transported as soon as practicable to a state hospital or, if the person is*  
26 *under 18 years of age, to a secure intensive community inpatient facility.*]

27 “(c) When a person is taken into custody by a peace officer under this subsection, the  
28 agency employing the peace officer shall cause the person, as soon as practicable, to be  
29 transported to a state hospital or other facility designated by the supervising entity. If the  
30 person was taken into custody pursuant to an order described in paragraph (a) of this sub-  
31 section, the supervising entity shall facilitate the reimbursement of reasonable costs of the  
32 transport to the agency employing the peace officer.

33 “[*(c)*] (d) Within 20 days following the return of the person to a state hospital or secure inten-  
34 sive community inpatient facility under this subsection, the board shall conduct a hearing. The  
35 board shall provide notice of the hearing to the person, the attorney representing the person and  
36 the Attorney General. The state must prove by a preponderance of the evidence the person’s unfit-  
37 ness for conditional release. The hearing shall be conducted in accordance with ORS 161.346.

38 “(e) As used in this subsection, ‘supervising entity’ means the board or the chairperson  
39 or executive director of the board.

40 “(5)(a) Any person conditionally released under this section may apply to the board for dis-  
41 charge from or modification of an order of conditional release on the ground that the person is no  
42 longer affected by a qualifying mental disorder or, if still so affected, no longer presents a substan-  
43 tial danger to others and no longer requires supervision, medication, care or treatment. Notice of  
44 the hearing on an application for discharge or modification of an order of conditional release shall  
45 be made to the Attorney General. The applicant, at the hearing pursuant to this subsection, must

1 prove by a preponderance of the evidence the applicant's fitness for discharge or modification of the  
2 order of conditional release. Applications by the person for discharge or modification of conditional  
3 release may not be filed more often than once every six months.

4 "(b) Upon application by any person or agency responsible for supervision or treatment pursuant  
5 to an order of conditional release, the board shall conduct a hearing to determine if the conditions  
6 of release shall be continued, modified or terminated. The application shall be accompanied by a  
7 report setting forth the facts supporting the application.

8 "(6) A person who has spent five years on conditional release shall be brought before the board  
9 for hearing within 30 days before the expiration of the five-year period. The board shall review the  
10 person's status and determine whether the person should be discharged from the jurisdiction of the  
11 board."

12 On page 18, delete lines 30 through 32 and insert:

13 "**SECTION 13.** ORS 137.372 is amended to read:

14 "137.372. (1)(a) Notwithstanding the provisions of ORS 137.370 (2), an offender who has been  
15 revoked from a probationary sentence for a felony committed on or after November 1, 1989, and  
16 whose sentence was imposed as a downward dispositional departure under the rules of the Oregon  
17 Criminal Justice Commission, shall receive credit for the time served in jail after arrest and before  
18 commencement of the probationary sentence and for the time served in jail as part of the  
19 probationary sentence. However, if the credit for the time served in jail as described in this para-  
20 graph is greater than 90 days, the sentencing judge may limit or deny credit for any of that time  
21 that exceeds 90 days.

22 "(b) Notwithstanding the provisions of ORS 137.370 (2), an offender who has been revoked from  
23 a probationary sentence for a felony committed on or after November 1, 1989, and whose sentence  
24 was imposed as a presumptive **or optional** probationary sentence under the rules of the Oregon  
25 Criminal Justice Commission, shall receive credit for the time served in jail after arrest and before  
26 commencement of the probationary sentence and for the time served in jail as part of the  
27 probationary sentence, unless the sentencing judge orders otherwise.

28 "(2) Notwithstanding the provisions of ORS 137.370 (2), an offender who is sentenced to  
29 imprisonment in the custody of the Department of Corrections following the failure to complete a  
30 diversion program described in ORS 430.450 to 430.555 or a specialty court program in which the  
31 offender was not on probation shall receive credit for the time served in jail after arrest and before  
32 commencement of the program and for the time served in jail as a sanction for violating the terms  
33 of the program, unless the sentencing judge orders otherwise.

34 "(3) Notwithstanding the provisions of ORS 137.320 (4), an offender who has been ordered con-  
35 fined as part of a probationary sentence for a felony committed on or after July 18, 1995, shall re-  
36 ceive credit for the time served in jail after arrest and before commencement of the term unless the  
37 sentencing judge orders otherwise.

38 "(4) As used in this section, 'specialty court' has the meaning given that term in ORS 137.680.

39 "**SECTION 14.** (1) **Jurisdiction is conferred upon the Supreme Court to determine**  
40 **whether chapter 673, Oregon Laws 2017, violates any provision of the Oregon Constitution,**  
41 **for the following appeals:**

42 **"(a) In a civil action, any appeal in which the notice of appeal was filed after January 1,**  
43 **2018, and before April 1, 2018; or**

44 **"(b) In an appeal by a criminal defendant, any appeal in which:**

45 **"(A) The only assignment of error relates to the constitutionality of a section of chapter**

1 **673, Oregon Laws 2017;**

2 **“(B) A notice of appeal was filed after January 1, 2018, and before April 1, 2018; and**

3 **“(C) The defendant requests in writing, no later than April 13, 2018, that the appeal be**  
4 **decided by the Supreme Court.**

5 **“(2) The Supreme Court shall, to the extent practicable, expedite its disposition of appeals**  
6 **under subsection (1)(a) of this section as provided in the rules of appellate procedure.**

7 **“SECTION 15.** If House Bill 4145 becomes law, ORS 166.412, as amended by section 4, chapter  
8 \_\_\_\_\_, Oregon Laws 2018 (Enrolled House Bill 4145), is amended to read:

9 “166.412. (1) As used in this section:

10 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;

11 “(b) ‘Department’ means the Department of State Police;

12 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include  
13 an antique firearm;

14 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.  
15 921 to 929;

16 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under  
17 subsection (11) of this section;

18 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,  
19 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or  
20 otherwise; and

21 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm from a gun  
22 dealer.

23 “(2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply  
24 with the following before a firearm is delivered to a purchaser:

25 “(a) The purchaser shall present to the gun dealer current identification meeting the require-  
26 ments of subsection (4) of this section.

27 “(b) The gun dealer shall complete the firearms transaction record and obtain the signature of  
28 the purchaser on the record.

29 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction  
30 thumbprint form and attach the form to the gun dealer’s copy of the firearms transaction record to  
31 be filed with that copy.

32 “(d) The gun dealer shall request by telephone that the department conduct a criminal history  
33 record check on the purchaser and shall provide the following information to the department:

34 “(A) The federal firearms license number of the gun dealer;

35 “(B) The business name of the gun dealer;

36 “(C) The place of transfer;

37 “(D) The name of the person making the transfer;

38 “(E) The make, model, caliber and manufacturer’s number of the firearm being transferred;

39 “(F) The name and date of birth of the purchaser;

40 “(G) The Social Security number of the purchaser if the purchaser voluntarily provides this  
41 number to the gun dealer; and

42 “(H) The type, issuer and identification number of the identification presented by the purchaser.

43 “(e) The gun dealer shall receive a unique approval number for the transfer from the department  
44 and record the approval number on the firearms transaction record and on the firearms transaction  
45 thumbprint form.

1 “(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the  
2 completion of the firearms transaction thumbprint form.

3 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-  
4 partment shall immediately, during the gun dealer’s telephone call or by return call:

5 “(A) Determine, from criminal records and other information available to it, whether the pur-  
6 chaser is disqualified under ORS 166.470 from completing the purchase; and

7 “(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or  
8 provide the gun dealer with a unique approval number indicating that the purchaser is qualified to  
9 complete the transfer.

10 “(b) If the department is unable to determine if the purchaser is qualified or disqualified from  
11 completing the transfer within 30 minutes, the department shall notify the gun dealer and provide  
12 the gun dealer with an estimate of the time when the department will provide the requested infor-  
13 mation.

14 “(c) If the department fails to provide a unique approval number to a gun dealer or to notify the  
15 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close  
16 of the gun dealer’s next business day following the request by the gun dealer for a criminal history  
17 record check, the gun dealer may deliver the firearm to the purchaser.

18 “(4)(a) Identification required of the purchaser under subsection (2) of this section shall include  
19 one piece of current identification bearing a photograph and the date of birth of the purchaser that:

20 “(A) Is issued under the authority of the United States Government, a state, a political subdivi-  
21 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-  
22 tional governmental organization or an international quasi-governmental organization; and

23 “(B) Is intended to be used for identification of an individual or is commonly accepted for the  
24 purpose of identification of an individual.

25 “(b) If the identification presented by the purchaser under paragraph (a) of this subsection does  
26 not include the current address of the purchaser, the purchaser shall present a second piece of  
27 current identification that contains the current address of the purchaser. The Superintendent of  
28 State Police may specify by rule the type of identification that may be presented under this para-  
29 graph.

30 “(c) The department may require that the gun dealer verify the identification of the purchaser  
31 if that identity is in question by sending the thumbprints of the purchaser to the department.

32 “(5) The department shall establish a telephone number that shall be operational seven days a  
33 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun  
34 dealers for a criminal history record check under this section.

35 “(6) No public employee, official or agency shall be held criminally or civilly liable for per-  
36 forming the investigations required by this section provided the employee, official or agency acts in  
37 good faith and without malice.

38 “(7)(a) The department may retain a record of the information obtained during a request for a  
39 criminal history record check for no more than five years.

40 “(b) The record of the information obtained during a request for a criminal history record check  
41 by a gun dealer is exempt from disclosure under public records law.

42 “(c) If the department determines that a purchaser is prohibited from possessing a firearm under  
43 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser’s name and any  
44 other personally identifiable information to all federal, state and local law enforcement agencies and  
45 district attorneys that have jurisdiction over the location or locations where the attempted transfer

1 was made and where the purchaser resides.

2 “(d) If the department determines that, based on the judgment of conviction, the purchaser is  
3 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently  
4 on post-prison supervision or parole, the department shall report the attempted transfer to the  
5 purchaser’s supervising officer and the district attorney of the county in which the conviction oc-  
6 curred.

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

10 “(f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric  
11 Security Review Board, the department shall report the attempted transfer to the board.

12 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours  
13 after the determination is made, unless a report would compromise an ongoing investigation, in  
14 which case the report may be delayed as long as necessary to avoid compromising the investigation.

15 “(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s  
16 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-  
17 endar year shall inform the department of *[the]* **any** action that was taken concerning *[each at-*  
18 *tempted transfer]* **the report** and the outcome of the action.

19 “(i) The department shall annually publish a written report, based on any information received  
20 under paragraph (h) of this subsection, detailing the following information for the previous year:

21 “(A) The number of purchasers whom the department determined were prohibited from possess-  
22 ing a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

27 “(D) The number of criminal charges arising from the reports made pursuant to paragraph (c)  
28 of this subsection and the disposition of the charges, both arranged by category of prohibition.

29 “(8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of  
30 firearms with the consent of a gun dealer in the course of a reasonable inquiry during a criminal  
31 investigation or under the authority of a properly authorized subpoena or search warrant.

32 “(9) When a firearm is delivered, it shall be unloaded.

33 “(10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State  
34 Police may adopt rules necessary for:

35 “(a) The design of the firearms transaction thumbprint form;

36 “(b) The maintenance of a procedure to correct errors in the criminal records of the department;

37 “(c) The provision of a security system to identify gun dealers that request a criminal history  
38 record check under subsection (2) of this section; and

39 “(d) The creation and maintenance of a database of the business hours of gun dealers.

40 “(11) The department shall publish the firearms transaction thumbprint form and shall furnish  
41 the form to gun dealers on application at cost.

42 “(12) This section does not apply to transactions between persons licensed as dealers under 18  
43 U.S.C. 923.

44 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a crim-  
45 inal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for

1 providing the service.

2 “(b) A gun dealer that requests a criminal background check under this subsection is immune  
3 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun  
4 dealer requests the criminal background check as described in this section.

5 “**SECTION 16.** If House Bill 4145 becomes law, ORS 166.436, as amended by section 5, chapter  
6 \_\_\_\_\_, Oregon Laws 2018 (Enrolled House Bill 4145), is amended to read:

7 “166.436. (1) The Department of State Police shall make the telephone number established under  
8 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
9 sons who are not gun dealers and who are transferring firearms at gun shows.

10 “(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer may  
11 request by telephone that the department conduct a criminal background check on the recipient and  
12 shall provide the following information to the department:

13 “(a) The name, address and telephone number of the transferor;

14 “(b) The make, model, caliber and manufacturer’s number of the firearm being transferred;

15 “(c) The name, date of birth, race, sex and address of the recipient;

16 “(d) The Social Security number of the recipient if the recipient voluntarily provides that num-  
17 ber;

18 “(e) The address of the place where the transfer is occurring; and

19 “(f) The type, issuer and identification number of a current piece of identification bearing a re-  
20 cent photograph of the recipient presented by the recipient. The identification presented by the re-  
21 cipient must meet the requirements of ORS 166.412 (4)(a).

22 “(3)(a) Upon receipt of a request for a criminal background check under this section, the de-  
23 partment shall immediately, during the telephone call or by return call:

24 “(A) Determine from criminal records and other information available to it whether the recipient  
25 is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state  
26 or federal law from possessing a firearm; and

27 “(B) Notify the transferor when a recipient is disqualified from completing the transfer or pro-  
28 vide the transferor with a unique approval number indicating that the recipient is qualified to  
29 complete the transfer. The unique approval number is a permit valid for 24 hours for the requested  
30 transfer. If the firearm is not transferred from the transferor to the recipient within 24 hours after  
31 receipt of the unique approval number, a new request must be made by the transferor.

32 “(b) If the department is unable to determine whether the recipient is qualified for or disquali-  
33 fied from completing the transfer within 30 minutes of receiving the request, the department shall  
34 notify the transferor and provide the transferor with an estimate of the time when the department  
35 will provide the requested information.

36 “(4) A public employee or public agency incurs no criminal or civil liability for performing the  
37 criminal background checks required by this section, provided the employee or agency acts in good  
38 faith and without malice.

39 “(5)(a) The department may retain a record of the information obtained during a request for a  
40 criminal background check under this section for the period of time provided in ORS 166.412 (7).

41 “(b) The record of the information obtained during a request for a criminal background check  
42 under this section is exempt from disclosure under public records law.

43 “(c) If the department determines that a recipient is prohibited from possessing a firearm under  
44 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient’s name and any  
45 other personally identifiable information to all federal, state and local law enforcement agencies and



1 district attorneys that have jurisdiction over the location or locations where the attempted transfer  
2 was made and where the recipient resides.

3 “(d) If the department determines that, based on the judgment of conviction, the recipient is  
4 prohibited from possessing a firearm as a condition of probation or that the recipient is currently  
5 on post-prison supervision or parole, the department shall report the attempted transfer to the  
6 recipient’s supervising officer and the district attorney of the county in which the conviction oc-  
7 curred.

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

11 “(f) If the department determines that the recipient is under the jurisdiction of the Psychiatric  
12 Security Review Board, the department shall report the attempted transfer to the board.

13 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours  
14 after the determination is made, unless a report would compromise an ongoing investigation, in  
15 which case the report may be delayed as long as necessary to avoid compromising the investigation.

16 “(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s  
17 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-  
18 endar year shall inform the department of *[the]* **any** action that was taken concerning *[each at-*  
19 *tempted transfer]* **the report** and the outcome of the action.

20 “(i) The department shall annually publish a written report, based on any information received  
21 under paragraph (h) of this subsection, detailing the following information for the previous year:

22 “(A) The number of recipients whom the department determined were prohibited from possessing  
23 a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

28 “(D) The number of criminal charges arising from the reports made pursuant to paragraph (c)  
29 of this subsection and the disposition of the charges, both arranged by category of prohibition.

30 “(6) The recipient of the firearm must be present when the transferor requests a criminal  
31 background check under this section.

32 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who re-  
33 ceives notification under this section that the recipient is qualified to complete the transfer of a  
34 firearm, has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as  
35 required by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time  
36 of the transfer unless the transferor knows, or reasonably should know, that the recipient is likely  
37 to commit an unlawful act involving the firearm.

38 “(b) The immunity provided by paragraph (a) of this subsection does not apply:

39 “(A) If the transferor knows, or reasonably should know, that the recipient of the firearm in-  
40 tends to deliver the firearm to a third person who the transferor knows, or reasonably should know,  
41 may not lawfully possess the firearm; or

42 “(B) In any product liability civil action under ORS 30.900 to 30.920.

43 “**SECTION 17. Section 14 of this 2018 Act is repealed on July 1, 2023.**

44 “**SECTION 18. (1) The amendments to ORS 423.105 by section 8 of this 2018 Act become**  
45 **operative on June 30, 2018.**

1           “(2) The amendments to ORS 166.412 and 166.436 by sections 15 and 16 of this 2018 Act  
2 become operative on January 1, 2019.

3           “SECTION 19. (1) The amendments to ORS 137.540, 162.375 and 837.365 by sections 6, 9  
4 and 10 of this 2018 Act apply to offenses committed on or after the effective date of this 2018  
5 Act.

6           “(2) The amendments to ORS 137.372 by section 13 of this 2018 Act apply to sentences  
7 imposed on or after the effective date of this 2018 Act.

8           “SECTION 20. This 2018 Act being necessary for the immediate preservation of the public  
9 peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect  
10 on its passage.”.

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