

Senate Bill 481

Sponsored by Senators GELSER, WAGNER (Pre-session filed.)

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**.

Requires law enforcement agency that takes custody of firearms under firearms surrender protocol to establish procedures to notify certain individuals of law enforcement agency's anticipated return of firearm.

A BILL FOR AN ACT

1
2 Relating to firearms.

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

4 **SECTION 1. As used in sections 1 to 3 of this 2019 Act:**

5 (1) **"Family or household member"** has the meaning given that term in ORS 107.705.

6 (2) **"Firearm"** has the meaning given that term in ORS 166.210.

7 (3) **"Firearms surrender protocol"** means procedures established by a law enforcement
8 agency that relate to a respondent's surrender of a firearm following the service of a court
9 order under ORS 107.700 to 107.735 and that include a provision prohibiting the respondent
10 from possessing a firearm.

11 (4) **"Law enforcement agency"** has the meaning given that term in ORS 181A.010.

12 (5) **"Petitioner"** means a person who has petitioned the circuit court for relief under ORS
13 107.700 to 107.735.

14 (6) **"Respondent"** means a person against whom a petitioner filed for relief under ORS
15 107.700 to 107.735.

16 **SECTION 2. (1)(a)** A law enforcement agency that takes custody of a firearm pursuant
17 to a firearms surrender protocol shall develop a notification procedure that allows a
18 petitioner, or the family or household members of the petitioner, to request to be notified
19 when the law enforcement agency returns a firearm to the respondent who surrendered the
20 firearm.

21 (b) **Notification under this section may be made using methods that allow notification to**
22 **be provided without unnecessary delay, including by telephone, electronic mail and text**
23 **message.**

24 (c) **If a law enforcement agency has custody of more than one firearm surrendered by**
25 **the respondent, notification of the return of one firearm shall be considered notification of**
26 **the return of all firearms to the respondent.**

27 (2) **A law enforcement agency may not provide notification to a person other than the**
28 **petitioner, or family or household member of the petitioner, who has requested notification**
29 **under this section.**

30 (3) **The information a petitioner, or family or household member of a petitioner, provides**
31 **to a law enforcement agency pursuant to this section is exempt from disclosure as a public**

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 record under ORS 192.311 to 192.478.

2 (4) A law enforcement agency, or employee or representative of a law enforcement
3 agency, is immune from civil liability for damages resulting from the disclosure of, or failure
4 to disclose, information pursuant to this section, unless the disclosure, or failure to disclose,
5 constituted gross negligence.

6 **SECTION 3.** (1) Before a law enforcement agency that has custody of a firearm surren-
7 dered pursuant to a firearms surrender protocol returns the firearm to a person who re-
8 quested the return of the firearm, the law enforcement agency shall:

9 (a) Confirm that the person to whom the law enforcement agency will return the firearm
10 is the lawful owner of the firearm or a person with a possessory right to the firearm;

11 (b) Confirm that the person is not prohibited from possessing a firearm under state and
12 federal law; and

13 (c) Hold the firearm for 72 hours after the law enforcement agency receives the request
14 to return the firearm.

15 (2) A law enforcement agency shall provide notification requested under section 2 of this
16 2019 Act 24 hours in advance of when the law enforcement agency will return the firearm
17 to the respondent.

18 _____