

## **SB 348 -1, -3 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Meeting Dates:** 3/27, 3/27, 4/4

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

Directs the Department of Justice to study ways to address unlawful possession of firearms and submit that study to the Legislative Assembly no later than December 31, 2024.

#### **ISSUES DISCUSSED:**

- The term "otherwise acquire" covers private transfers of firearms where there isn't a purchase and does not apply to non-transfers of firearms
- The "reasonable grounds" language mimics the concealed handgun license statute
- No location requirement for the firearms safety course and costs may be different depending on where you live
- What evidence a person might need to prove the affirmative defense for large capacity magazines
- What happens if a person purchased a large capacity magazine after December 8, 2022

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

-1 Replaces the bill. Provides that a permit to purchase a firearm is not required until July 1, 2024. Provides that a permit to purchase a .22 caliber rimfire ammunition; a muzzleloader rifle; or a shotgun with a pump, break, level, revolving action, and the other firearms listed in ORS 166.250(2)(b) is not required until July 1, 2026. Raises the age from 18 to 21 to apply for a permit to purchase. Provides that a person may not apply for a permit if within the previous four years, they have been convicted or found guilty except for insanity of a misdemeanor involving violence as defined in ORS 166.470. Provides that a permit agent may deny an application for a permit if they have reasonable grounds to conclude that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, and that this investigation must be based on objective facts and information known by, or records available to, the permit agent that establish a pattern of behavior involving unlawful violence or threats of unlawful violence sufficient to clearly establish that the applicant has been or is reasonably likely to be a danger to self or others. Exempts from disclosure as a public record the record of information obtained during the permit application process. Raises the fee for an initial permit to \$150 and a renewal permit to \$110. Expands proof of completion of the required training course to include: prior or current certification as a state, federal, or tribal police officer, corrections officers, or armed parole and probation officer; proof of qualification with a pistol, rifle, or other small arms while serving in the Armed Forces as documented on a federal DD Form 214, if the qualification occurred in the last 10 years; or current certification as an armed private security professional. Increases the number of days, from 30 to 60, the permit agent must approve or deny the permit application. Requires a 72 hour wait period between the purchase of a firearm and the transfer of a firearm from a gun dealer. Requires the Department of State Police (OSP) to file an annual report, for each county, documenting the racial and gender information concerning each applicant within the total number of permits granted, denied, and the reason for the denial, without including any information that personally identifies an applicant. Declares emergency, effecting upon passage.

-3 Replaces the bill. Provides that a permit to purchase a firearm is not required until July 1, 2024. Provides that a permit to purchase a .22 caliber rimfire ammunition; a muzzleloader rifle; or a shotgun with a pump, break, level, revolving action, and the other firearms listed in ORS 166.250(2)(b) is not required until July 1, 2026. Provides that a person may not apply for a permit if within the previous four years, they have been convicted or found guilty

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except for insanity of a misdemeanor involving violence as defined in ORS 166.470. Provides that a permit agent may deny an application for a permit if they have reasonable grounds to conclude that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large. Exempts from disclosure as a public record the record of information obtained during the permit application process. Raises the fee for an initial permit to \$150 and a renewal permit to \$110. Expands proof of completion of the required training course to include: prior or current certification as a state, federal, or tribal police officer, corrections officers, or armed parole and probation officer; proof of qualification with a pistol, rifle, or other small arms while serving in the Armed Forces as documented on a federal DD Form 214, if the qualification occurred in the last 10 years; or current certification as an armed private security professional. Increases the number of days, from 30 to 60, the permit agent must approve or deny the permit application. Requires a 72 hour wait period between the purchase of a firearm and the transfer of a firearm from a gun dealer. Requires the Department of State Police (OSP) to file an annual report, for each county, documenting the racial and gender information concerning each applicant within the total number of permits granted, denied, and the reason for the denial, without including any information that personally identifies an applicant. Declares emergency, effecting upon passage. Clarifies that OSP must send the permit agent, in writing, whether an applicant is qualified or disqualified and the reasons for the disqualification. Allows a person to apply for a permit if they are 18 years of age, but clarifies that the permit is only valid for the firearms listed in ORS 166.250(2)(b) while the permit holder is under 21 years of age.

### **BACKGROUND:**

In November 2022, Oregon voters passed Ballot Measure 114, which required anyone purchasing a firearm to take a gun safety training course and obtain a permit. It also banned large capacity magazines holding more than ten rounds and closed the "Charleston loophole," which allowed firearm transfers to go forward if the background check had not been completed after three days. A federal court case and state court case are currently pending in the courts and blocking various provisions of the measure from taking effect.

Senate bill 348 directs the Department of Justice to study ways to address unlawful possession of firearms.