

C-Engrossed House Bill 2005

Ordered by the Senate June 15
Including House Amendments dated March 30 and April 10 and Senate
Amendments dated June 15

Sponsored by Representatives REYNOLDS, GRAYBER, KROPF, EVANS, Senators MANNING JR, PROZANSKI;
Representatives ANDERSEN, BOWMAN, DEXTER, FAHEY, GAMBA, NELSON, WALTERS, Senator
SOLLMAN (at the request of Attorney General Ellen F. Rosenblum) (Presession 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.

Defines "undetectable firearm." Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, \$250,000 fine, or both. Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, \$6,250 fine, or both, and 10 years' imprisonment, \$250,000 fine, or both, upon second and subsequent convictions.

Punishes offering for sale, selling or transferring firearm without serial number by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both, upon third and subsequent convictions.

Punishes possession of firearm without serial number occurring on or after September 1, 2024, by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both, upon third and subsequent convictions.

Defines "unfinished frame or receiver." Requires gun dealer to conduct criminal background check before transferring unfinished frame or receiver. Punishes importing, offering for sale or transferring unfinished frame or receiver by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both, upon third and subsequent convictions. Specifies exceptions. Punishes possession of unserialized unfinished frame or receiver occurring on or after September 1, 2024, by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and five years' imprisonment, \$125,000 fine, or both, upon third and subsequent convictions. Provides that person commits crime if person possesses unfinished frame or receiver and is prohibited from possessing firearms. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

[Prohibits person under 21 years of age from possessing firearms and unfinished frames and receivers with specified exceptions. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Establishes affirmative defense for person under 21 years of age who owned firearm before effective date of Act or who relinquished firearm prior to prosecution.]

[Authorizes governing bodies of certain public entities that own or control public building to adopt policy, ordinance or regulation precluding affirmative defense for possession of firearm in or on public building by concealed handgun licensee. Provides that in prosecution for possession of firearm in or on public building subject to such policy, ordinance or regulation, concealed handgun licensee affirmative defense is not complete defense, but results in Class A misdemeanor conviction punishable by 364 days' imprisonment, \$6,250 fine, or both.]

[Prohibits person from transferring certain firearms to recipient person knows, or reasonably should know, is under 21 years of age. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Specifies exceptions.]

Appropriates moneys to Department of State Police for implementation of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to firearms; creating new provisions; amending ORS 166.210, 166.250 and 166.412; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 166.210 is amended to read:

6 166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470:

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 (1) "Antique firearm" means:
- 2 (a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type
- 3 of ignition system, manufactured in or before 1898; and
- 4 (b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:
- 5 (A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition;
- 6 or
- 7 (B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in
- 8 the United States and that is not readily available in the ordinary channels of commercial trade.
- 9 (2) "Corrections officer" has the meaning given that term in ORS 181A.355.
- 10 (3) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile
- 11 by the action of powder.
- 12 (4) "Firearms silencer" means any device for silencing, muffling or diminishing the report of a
- 13 firearm.
- 14 (5) **"Frame" has the meaning given that term in 27 C.F.R. 478.12.**
- 15 [(5)] (6) "Handgun" means any pistol or revolver using a fixed cartridge containing a propellant
- 16 charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.
- 17 [(6)] (7) "Machine gun" means a weapon of any description by whatever name known, loaded
- 18 or unloaded, which is designed or modified to allow two or more shots to be fired by a single pres-
- 19 sure on the trigger device.
- 20 (8) **"Major component" has the meaning given that term in 18 U.S.C. 922.**
- 21 [(7)] (9) "Minor" means a person under 18 years of age.
- 22 [(8)] (10) "Offense" has the meaning given that term in ORS 161.505.
- 23 [(9)] (11) "Parole and probation officer" has the meaning given that term in ORS 181A.355.
- 24 [(10)] (12) "Peace officer" has the meaning given that term in ORS 133.005.
- 25 (13) **"Receiver" has the meaning given that term in 27 C.F.R. 478.12.**
- 26 (14) **"Security exemplar" has the meaning given that term in 18 U.S.C. 922.**
- 27 [(11)] (15) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in
- 28 length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.
- 29 [(12)] (16) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
- 30 inches in length and any weapon made from a shotgun if the weapon has an overall length of less
- 31 than 26 inches.
- 32 (17) **"Undetectable firearm" means a firearm:**
- 33 (a) **Constructed or produced, including through a three-dimensional printing process,**
- 34 **entirely of nonmetal substances;**
- 35 (b) **That, after removal of grips, stocks and magazines, is not as detectable as a security**
- 36 **exemplar by a walk-through metal detector calibrated to detect the security exemplar; or**
- 37 (c) **That includes a major component that, if subjected to inspection by the types of X-ray**
- 38 **machines commonly used at airports, would not generate an image that accurately depicts**
- 39 **the shape of the component.**
- 40 (18)(a) **"Unfinished frame or receiver" means a forging, casting, printing, extrusion, ma-**
- 41 **chined body or similar item that:**
- 42 (A) **Is designed to or may readily be completed, assembled or otherwise converted to**
- 43 **function as a frame or receiver; or**
- 44 (B) **Is marketed or sold to the public to be completed, assembled or otherwise converted**
- 45 **to function as a frame or receiver.**

1 (b) “Unfinished frame or receiver” does not include a component designed and intended
2 for use in an antique firearm.

3 **SECTION 2.** Sections 3, 4 and 5 of this 2023 Act are added to and made a part of ORS
4 166.250 to 166.270.

5 **SECTION 3.** (1)(a) A person may not knowingly manufacture or cause to be manufac-
6 tured within this state, import into this state, or offer for sale, sell or transfer, an unde-
7 tectable firearm.

8 (b) A violation of paragraph (a) of this subsection is a Class B felony.

9 (2)(a) A person may not knowingly possess an undetectable firearm.

10 (b)(A) A violation of paragraph (a) of this subsection is a Class A misdemeanor.

11 (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of
12 this subsection is a Class B felony if, at the time of the offense, the person has one or more
13 prior convictions under this section or section 4 or 5 of this 2023 Act.

14 (3) A person convicted under this section shall forfeit the undetectable firearm.

15 (4) As used in this section, “prior conviction” includes a conviction for a violation of
16 fense.

17 **SECTION 4.** (1)(a) A person may not knowingly offer for sale, sell or transfer a firearm
18 unless the firearm has been imprinted with a serial number by a federally licensed firearm
19 manufacturer, importer or dealer, or a gunsmith with a federal firearms license, in accord-
20 ance with federal law.

21 (b) A person may not knowingly possess a firearm unless the firearm has been imprinted
22 with a serial number by a federally licensed firearm manufacturer, importer or dealer, or a
23 gunsmith with a federal firearms license, in accordance with federal law.

24 (2) This section does not apply to:

25 (a) Antique firearms;

26 (b) Firearms manufactured prior to October 22, 1968;

27 (c) Firearms rendered permanently inoperable;

28 (d) The sale, offer to sell, or transfer of a firearm to, or possession of a firearm by, a
29 person licensed as a firearm manufacturer, importer or dealer under 18 U.S.C. 923; or

30 (e) A gunsmith taking possession of a firearm for the purpose of imprinting the firearm
31 with a serial number in accordance with federal law.

32 (3)(a) A violation of subsection (1)(a) of this section constitutes a Class B violation.

33 (b) Notwithstanding paragraph (a) of this subsection, a violation of subsection (1)(a) of
34 this section is a Class A misdemeanor if, at the time of the offense, the person has a prior
35 conviction under this section or section 3 or 5 of this 2023 Act.

36 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a violation of subsection
37 (1)(a) of this section is a Class B felony if, at the time of the offense, the person has two or
38 more prior convictions under this section or section 3 or 5 of this 2023 Act.

39 (d) A violation of subsection (1)(b) of this section occurring before September 1, 2024,
40 does not constitute an offense.

41 (4) A person convicted of any offense under this section shall forfeit the firearm.

42 (5) As used in this section, “prior conviction” includes a conviction for a violation of
43 fense.

44 **SECTION 5.** (1)(a) A person may not knowingly import into this state, offer for sale, sell
45 or transfer an unfinished frame or receiver unless:

1 (A) The person is licensed as a firearm dealer under 18 U.S.C. 923;

2 (B) The name of the manufacturer and an individual serial number is conspicuously
3 placed on the unfinished frame or receiver in accordance with the procedures for the se-
4 rialization of a firearm in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C.
5 923(i), including but not limited to 27 C.F.R. 478.92; and

6 (C) The person maintains records relating to the unfinished frame or receiver in ac-
7 cordance with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and
8 all regulations issued under the authority of 18 U.S.C. 923(g), including but not limited to 27
9 C.F.R. 478.121 to 478.134.

10 (b)(A) A violation of paragraph (a) of this subsection is a Class B violation.

11 (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of
12 this subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior
13 conviction under this section or section 3 or 4 of this 2023 Act.

14 (C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of para-
15 graph (a) of this subsection constitutes a Class B felony if, at the time of the offense, the
16 person has two or more prior convictions under this section or section 3 or 4 of this 2023
17 Act.

18 (2)(a) A person may not knowingly possess an unfinished frame or receiver that is not
19 serialized as provided in subsection (1)(a)(B) of this section, unless:

20 (A) The person is a federally licensed gun manufacturer; and

21 (B) The unfinished frame or receiver is an unfinished part within a manufacturing pro-
22 cess that includes serialization.

23 (b) A violation of paragraph (a) of this subsection occurring before September 1, 2024,
24 does not constitute an offense.

25 **SECTION 6.** ORS 166.250 is amended to read:

26 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,
27 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession
28 of a firearm if the person knowingly:

29 (a) Carries any firearm concealed upon the person;

30 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
31 cle; [or]

32 (c) Possesses a firearm and:

33 (A) Is under 18 years of age;

34 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
35 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
36 volving violence, as defined in ORS 166.470; and

37 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
38 charged under this section;

39 (C) Has been convicted of a felony;

40 (D) Was committed to the Oregon Health Authority under ORS 426.130;

41 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
42 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

43 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
44 or possessing a firearm;

45 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; or

1 (H) The possession of the firearm by the person is prohibited under ORS 166.255[.]; **or**

2 **(d) Possesses an unfinished frame or receiver and is prohibited from possessing firearms**
3 **under paragraph (c) of this subsection.**

4 (2) This section does not prohibit:

5 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
6 sessed a firearm:

7 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or
8 guardian or by another person with the consent of the minor's parent or guardian; or

9 (B) Temporarily for hunting, target practice or any other lawful purpose; or

10 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
11 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
12 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
13 residence or place of business any handgun, and no permit or license to purchase, own, possess or
14 keep any such firearm at the person's place of residence or place of business is required of any such
15 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
16 while used, for whatever period of time, as residential quarters.

17 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

18 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
19 cessible within the meaning of this section if the handgun is within the passenger compartment of
20 the vehicle.

21 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
22 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
23 sible within the meaning of this section if:

24 (A) The handgun is stored in a closed and locked glove compartment, center console or other
25 container; and

26 (B) The key is not inserted into the lock, if the glove compartment, center console or other
27 container unlocks with a key.

28 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
29 readily accessible within the meaning of this section if:

30 (A) The handgun is in a locked container within or affixed to the vehicle; or

31 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
32 discharge of the firearm.

33 (5) Unlawful possession of a firearm is a Class A misdemeanor.

34 **SECTION 7.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, is amended
35 to read:

36 166.412. (1) As used in this section:

37 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

38 (b) "Department" means the Department of State Police;

39 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
40 an antique firearm;

41 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
42 921 to 929;

43 (e) "Firearms transaction thumbprint form" means a form provided by the department under
44 subsection (11) of this section;

45 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,

1 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
2 otherwise; [and]

3 (g) "Purchaser" means a person who buys, leases or otherwise receives a firearm **or unfinished**
4 **frame or receiver** from a gun dealer[.]; **and**

5 **(h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.**

6 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
7 following before a firearm **or unfinished frame or receiver** is delivered to a purchaser:

8 (a) The purchaser shall present to the gun dealer current identification meeting the require-
9 ments of subsection (4) of this section and a valid permit issued under section 4, chapter 1, Oregon
10 Laws 2023.

11 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
12 the purchaser on the record.

13 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction
14 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
15 be filed with that copy.

16 (d) The gun dealer shall, by telephone or computer, verify that the purchaser has a valid
17 permit-to-purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023, and request that
18 the department conduct a criminal history record check on the purchaser and shall provide the
19 following information to the department:

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

21 (B) The business name of the gun dealer;

22 (C) The place of transfer;

23 (D) The name of the person making the transfer;

24 (E) The make, model, caliber and manufacturer's number of the firearm being transferred **or a**
25 **description of the unfinished frame or receiver being transferred;**

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

27 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
28 number to the gun dealer; and

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

30 (e) The gun dealer shall receive a unique approval number for the transfer from the department
31 and record the approval number on the firearms transaction record and on the firearms transaction
32 thumbprint form.

33 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
34 completion of the firearms transaction thumbprint form.

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

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

39 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
40 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
41 complete the transfer.

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

1 (c) The dealer may not transfer the firearm **or unfinished frame or receiver** unless the dealer
2 receives a unique approval number from the department and, within 48 hours of completing the
3 transfer, the dealer shall notify the state that the transfer to the permit holder was completed.

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

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

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

11 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
12 not include the current address of the purchaser, the purchaser shall present a second piece of
13 current identification that contains the current address of the purchaser. The Superintendent of
14 State Police may specify by rule the type of identification that may be presented under this para-
15 graph.

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

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

21 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
22 the investigations required by this section provided the employee, official or agency acts in good
23 faith and without malice.

24 (7)(a) The department may retain a record of the information obtained during a request for a
25 criminal history record check for no more than five years, except for the information provided to
26 the dealer under subsection (2)(d) of this section, sufficient to reflect each firearm **or unfinished**
27 **frame or receiver** purchased by a permit holder, which must be attached to the electronic record
28 of the permit stored by the department. The department may develop a system for removal of the
29 information in subsection (2)(d)(E) of this section, upon proof of sale or transfer of the firearm **or**
30 **unfinished frame or receiver** to another permit holder and for recording of the information to re-
31 flect the transfer of ownership to the permit of the new owner.

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

34 (c) If the department determines that a purchaser is prohibited from possessing a firearm under
35 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any
36 other personally identifiable information to all federal, state and local law enforcement agencies and
37 district attorneys that have jurisdiction over the location or locations where the attempted transfer
38 was made and where the purchaser resides.

39 (d) If the department determines that, based on the judgment of conviction, the purchaser is
40 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently
41 on post-prison supervision or parole, the department shall report the attempted transfer to the
42 purchaser's supervising officer and the district attorney of the county in which the conviction oc-
43 curred.

44 (e) If the department determines that the purchaser is prohibited from possessing a firearm due
45 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer

1 to the court that issued the order.

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

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

7 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's
8 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
9 endar year shall inform the department of any action that was taken concerning the report and the
10 outcome of the action.

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

13 (A) The number of purchasers whom the department determined were prohibited from possessing
14 a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

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

21 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of
22 firearms **and unfinished frames or receivers** with the consent of a gun dealer in the course of a
23 reasonable inquiry during a criminal investigation or under the authority of a properly authorized
24 subpoena or search warrant.

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

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

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

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

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

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

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

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

37 (13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a criminal
38 background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for providing
39 the service.

40 (b) A gun dealer that requests a criminal background check under this subsection is immune
41 from civil liability for any use of the firearm **or unfinished frame or receiver** by the recipient or
42 transferee, provided that the gun dealer requests the criminal background check as described in this
43 section and also provided that the dealer verifies that the recipient has a valid permit-to-purchase
44 the firearm **or unfinished frame or receiver** and the dealer has received a unique approval number
45 from the department indicating successful completion of the background check.

1 (14) Knowingly selling or delivering a firearm **or unfinished frame or receiver** to a purchaser
2 or transferee who does not have a valid permit-to-purchase a firearm in violation of subsection (2)(d)
3 of this section, or prior to receiving a unique approval number from the department based on the
4 criminal background check in violation of subsection (3)(c) of this section, is a Class A misdemeanor.

5 **SECTION 8.** Section 4 of this 2023 Act is amended to read:

6 **Sec. 4.** [(1)(a)] (1) A person may not knowingly **possess**, offer for sale, sell or transfer a firearm
7 unless the firearm has been imprinted with a serial number by a federally licensed firearm man-
8 ufacturer, importer or dealer, or a gunsmith with a federal firearms license, in accordance with
9 federal law.

10 [(b) A person may not knowingly possess a firearm unless the firearm has been imprinted with a
11 serial number by a federally licensed firearm manufacturer, importer or dealer, or a gunsmith with a
12 federal firearms license, in accordance with federal law.]

13 (2) This section does not apply to:

14 (a) Antique firearms;

15 (b) Firearms manufactured prior to October 22, 1968;

16 (c) Firearms rendered permanently inoperable;

17 (d) The sale, offer to sell, or transfer of a firearm to, or possession of a firearm by, a person li-
18 censed as a firearm manufacturer, importer or dealer under 18 U.S.C. 923; or

19 (e) A gunsmith taking possession of a firearm for the purpose of imprinting the firearm with a
20 serial number in accordance with federal law.

21 (3)(a) A violation of subsection [(1)(a)] (1) of this section constitutes a Class B violation.

22 (b) Notwithstanding paragraph (a) of this subsection, a violation of subsection [(1)(a)] (1) of this
23 section is a Class A misdemeanor if, at the time of the offense, the person has a prior conviction
24 under this section or section 3 or 5 of this 2023 Act.

25 (c) Notwithstanding paragraphs (a) and (b) of this subsection, a violation of subsection [(1)(a)]
26 (1) of this section is a Class B felony if, at the time of the offense, the person has two or more prior
27 convictions under this section or section 3 or 5 of this 2023 Act.

28 [(d) A violation of subsection (1)(b) of this section occurring before September 1, 2024, does not
29 constitute an offense.]

30 (4) A person convicted of any offense under this section shall forfeit the firearm.

31 (5) As used in this section, “prior conviction” includes a conviction for a violation offense.

32 **SECTION 9.** Section 5 of this 2023 Act is amended to read:

33 **Sec. 5.** (1)(a) A person may not knowingly import into this state, offer for sale, sell or transfer
34 an unfinished frame or receiver unless:

35 (A) The person is licensed as a firearm dealer under 18 U.S.C. 923;

36 (B) The name of the manufacturer and an individual serial number is conspicuously placed on
37 the unfinished frame or receiver in accordance with the procedures for the serialization of a firearm
38 in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C. 923(i), including but not lim-
39 ited to 27 C.F.R. 478.92; and

40 (C) The person maintains records relating to the unfinished frame or receiver in accordance
41 with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and all regulations
42 issued under the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to
43 478.134.

44 (b)(A) A violation of paragraph (a) of this subsection is a Class B violation.

45 (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of this

1 subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior conviction
2 under this section or section 3 or 4 of this 2023 Act.

3 (C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of paragraph (a)
4 of this subsection constitutes a Class B felony if, at the time of the offense, the person has two or
5 more prior convictions under this section or section 3 or 4 of this 2023 Act.

6 (2)(a) A person may not knowingly possess an unfinished frame or receiver that is not serialized
7 as provided in subsection (1)(a)(B) of this section, unless:

8 (A) The person is a federally licensed gun manufacturer; and

9 (B) The unfinished frame or receiver is an unfinished part within a manufacturing process that
10 includes serialization.

11 *[(b) A violation of paragraph (a) of this subsection occurring before September 1, 2024, does not*
12 *constitute an offense.]*

13 **(b)(A) A violation of paragraph (a) of this subsection is a Class B violation.**

14 **(B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of**
15 **this subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior**
16 **conviction under this section or section 3 or 4 of this 2023 Act.**

17 **(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of para-**
18 **graph (a) of this subsection is a Class C felony if, at the time of the offense, the person has**
19 **two or more prior convictions under this section or section 3 or 4 of this 2023 Act.**

20 **(3) A person convicted of any offense under this section shall forfeit the unfinished frame**
21 **or receiver.**

22 **(4) As used in this section, “prior conviction” includes a conviction for a violation of-**
23 **fense.**

24 **SECTION 10. (1) The amendments to section 4 of this 2023 Act by section 8 of this 2023**
25 **Act become operative on September 1, 2024.**

26 **(2) The amendments to section 5 of this 2023 Act by section 9 of this 2023 Act become**
27 **operative on September 1, 2024.**

28 **SECTION 11. In addition to and not in lieu of any other appropriation, there is appro-**
29 **riated to the Department of State Police, for the biennium beginning July 1, 2023, out of the**
30 **General Fund, the amount of \$356,816, for implementation of the provisions of this 2023 Act.**

31 **SECTION 12. This 2023 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
33 **on its passage.**

34