

SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2005

By COMMITTEE ON RULES

June 15

1 On page 1 of the printed B-engrossed bill, line 2, after “166.250” delete the rest of the line and
2 delete line 3 and insert “and 166.412; and declaring an emergency.”.

3 Delete lines 5 and 6 and delete page 2.

4 On page 3, delete lines 1 through 12 and insert:

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:

7 “(1) ‘Antique firearm’ means:

8 “(a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar
9 type of ignition system, manufactured in or before 1898; and

10 “(b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

11 “(A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition;

12 or

13 “(B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in
14 the United States and that is not readily available in the ordinary channels of commercial trade.

15 “(2) ‘Corrections officer’ has the meaning given that term in ORS 181A.355.

16 “(3) ‘Firearm’ means a weapon, by whatever name known, which is designed to expel a projectile
17 by the action of powder.

18 “(4) ‘Firearms silencer’ means any device for silencing, muffling or diminishing the report of a
19 firearm.

20 “**(5) ‘Frame’ has the meaning given that term in 27 C.F.R. 478.12.**

21 “[5] **(6) ‘Handgun’** means any pistol or revolver using a fixed cartridge containing a propellant
22 charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

23 “[6] **(7) ‘Machine gun’** means a weapon of any description by whatever name known, loaded
24 or unloaded, which is designed or modified to allow two or more shots to be fired by a single pres-
25 sure on the trigger device.

26 “**(8) ‘Major component’** has the meaning given that term in 18 U.S.C. 922.

27 “[7] **(9) ‘Minor’** means a person under 18 years of age.

28 “[8] **(10) ‘Offense’** has the meaning given that term in ORS 161.505.

29 “[9] **(11) ‘Parole and probation officer’** has the meaning given that term in ORS 181A.355.

30 “[10] **(12) ‘Peace officer’** has the meaning given that term in ORS 133.005.

31 “**(13) ‘Receiver’** has the meaning given that term in 27 C.F.R. 478.12.

32 “**(14) ‘Security exemplar’** has the meaning given that term in 18 U.S.C. 922.

33 “[11] **(15) ‘Short-barreled rifle’** means a rifle having one or more barrels less than 16 inches in
34 length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

35 “[12] **(16) ‘Short-barreled shotgun’** means a shotgun having one or more barrels less than 18

1 inches in length and any weapon made from a shotgun if the weapon has an overall length of less
2 than 26 inches.

3 **“(17) ‘Undetectable firearm’ means a firearm:**

4 **“(a) Constructed or produced, including through a three-dimensional printing process,**
5 **entirely of nonmetal substances;**

6 **“(b) That, after removal of grips, stocks and magazines, is not as detectable as a security**
7 **exemplar by a walk-through metal detector calibrated to detect the security exemplar; or**

8 **“(c) That includes a major component that, if subjected to inspection by the types of**
9 **X-ray machines commonly used at airports, would not generate an image that accurately**
10 **depicts the shape of the component.**

11 **“(18)(a) ‘Unfinished frame or receiver’ means a forging, casting, printing, extrusion, ma-**
12 **chined body or similar item that:**

13 **“(A) Is designed to or may readily be completed, assembled or otherwise converted to**
14 **function as a frame or receiver; or**

15 **“(B) Is marketed or sold to the public to be completed, assembled or otherwise converted**
16 **to function as a frame or receiver.**

17 **“(b) ‘Unfinished frame or receiver’ does not include a component designed and intended**
18 **for use in an antique firearm.”.**

19 On page 4, delete lines 35 through 45 and delete pages 5 through 17 and insert:

20 **“SECTION 6.** ORS 166.250 is amended to read:

21 **“166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,**
22 **166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession**
23 **of a firearm if the person knowingly:**

24 **“(a) Carries any firearm concealed upon the person;**

25 **“(b) Possesses a handgun that is concealed and readily accessible to the person within any ve-**
26 **hicle; [or]**

27 **“(c) Possesses a firearm and:**

28 **“(A) Is under 18 years of age;**

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

32 **“(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being**
33 **charged under this section;**

34 **“(C) Has been convicted of a felony;**

35 **“(D) Was committed to the Oregon Health Authority under ORS 426.130;**

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

39 **“(F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing**
40 **or possessing a firearm;**

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

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

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

45 **“(2) This section does not prohibit:**

1 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
2 sessing a firearm:

3 “(A) Other than a handgun, if the firearm was transferred to the minor by the minor’s parent
4 or guardian or by another person with the consent of the minor’s parent or guardian; or

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

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

13 “(3) Firearms carried openly in belt holsters are not concealed within the meaning of this sec-
14 tion.

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

18 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no
19 storage location that is outside the passenger compartment of the vehicle, a handgun is not readily
20 accessible within the meaning of this section if:

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

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

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

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

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

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

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

33 “166.412. (1) As used in this section:

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

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

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

38 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.
39 921 to 929;

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

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

45 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm **or unfinished**

1 **frame or receiver** from a gun dealer[.]; and

2 **“(h) ‘Unfinished frame or receiver’ has the meaning given that term in ORS 166.210.**

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

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

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

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

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

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

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

19 **“(C)** The place of transfer;

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

21 **“(E)** The make, model, caliber and manufacturer’s number of the firearm being transferred **or a**
22 **description of the unfinished frame or receiver being transferred;**

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

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

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

27 **“(e)** The gun dealer shall receive a unique approval number for the transfer from the department
28 and record the approval number on the firearms transaction record and on the firearms transaction
29 thumbprint form.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a crim-
35 inal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for
36 providing the service.

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

43 “(14) Knowingly selling or delivering a firearm **or unfinished frame or receiver** to a purchaser
44 or transferee who does not have a valid permit-to-purchase a firearm in violation of subsection (2)(d)
45 of this section, or prior to receiving a unique approval number from the department based on the

1 criminal background check in violation of subsection (3)(c) of this section, is a Class A misdemeanor.

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

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

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

10 “(2) This section does not apply to:

11 “(a) Antique firearms;

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

13 “(c) Firearms rendered permanently inoperable;

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

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

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

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

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

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

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

28 “(5) As used in this section, ‘prior conviction’ includes a conviction for a violation offense.

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

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

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

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

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

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

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

45 “(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of paragraph (a)

1 of this subsection constitutes a Class B felony if, at the time of the offense, the person has two or
2 more prior convictions under this section or section 3 or 4 of this 2023 Act.

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

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

6 “(B) The unfinished frame or receiver is an unfinished part within a manufacturing process that
7 includes serialization.

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

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 is a Class C felony if, at the time of the offense, the person has
16 two or more prior convictions under this section or section 3 or 4 of this 2023 Act.

17 “(3) A person convicted of any offense under this section shall forfeit the unfinished
18 frame or receiver.

19 “(4) As used in this section, ‘prior conviction’ includes a conviction for a violation of
20 fense.

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

23 “(2) The amendments to section 5 of this 2023 Act by section 9 of this 2023 Act become
24 operative on September 1, 2024.

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

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

31