

**A-Engrossed**  
**Senate Bill 348**

Ordered by the Senate April 14  
Including Senate Amendments dated April 14

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation)

**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.

*[Directs Department of Justice to study ways to address unlawful possession of firearms, and to provide results of study to interim committees of Legislative Assembly no later than December 31, 2024.]*

*[Sunsets January 2, 2025.]*

**Modifies firearm permit provisions of Ballot Measure 114 (2022). Specifies where person may apply for permit to purchase firearm and adds eligibility requirement. Provides that information obtained during application process, during criminal background check and within database of permit holders is exempt from disclosure as public record. Extends time, from 30 to 60 days from receipt of application, by which permit agent must issue permit to qualified applicant or mail reasons for denial in writing to applicant. Increases maximum fee that may be charged for initial application for and renewal of permit. Specifies portion of fee payable to Department of State Police for conducting criminal background check. Provides that permit is only valid for purchase or acquisition of certain specified firearms while permit holder is under 21 years of age. Establishes alternatives to firearms training course or class that may be used to satisfy requirement of proof of completion of firearm safety course for permit. Provides that permits are not required for firearm transfers until July 1, 2024. Establishes temporary exception to permit requirement for transfer of certain firearms until July 1, 2026. Establishes permanent exception to permit requirement for active duty law enforcement and military.**

**Requires gun dealer to allow 72 hours to elapse between receipt of unique approval number from Department of State Police, indicating successful completion of criminal background check, and transfer of firearm to purchaser.**

**Modifies affirmative defense language for large capacity magazine provisions of Ballot Measure 114 (2022).**

**Provides that challenge to legality of Act must be commenced in Circuit Court for Marion County.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

Relating to firearms; creating new provisions; amending ORS 166.412, 166.435, 166.436 and 166.438 and sections 2, 3, 4, 5, 11 and 13, chapter 1, Oregon Laws 2023; repealing sections 1 and 10, chapter 1, Oregon Laws 2023; and declaring an emergency.

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

**PERMITTING PROCESS**

**SECTION 1. (1) Section 1, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is repealed.**

**(2) Section 10, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is repealed.**

**SECTION 2. Section 2, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended**

**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 to read:

2 **Sec. 2.** *[The People of the State of Oregon find and declare that regulation of sale, purchase and*  
3 *otherwise transferring of all firearms and restriction of the manufacture, import, sale, purchase, trans-*  
4 *fer, use and possession of ammunition magazines to those that hold no more than 10 rounds will pro-*  
5 *mote the public health and safety of the residents of this state and this Act]* **Chapter 1, Oregon Laws**  
6 **2023 (Ballot Measure 114 (2022))**, shall be known as the Reduction of Gun Violence Act.

7 **SECTION 3.** Section 3, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
8 to read:

9 **Sec. 3.** *[Definitions.]* As used in *[sections 3 to 10 of this 2022 Act]* **sections 3 to 5, chapter 1,**  
10 **Oregon Laws 2023 (Ballot Measure 114 (2022)):**

11 (1) “Criminal background check” has the *[same meaning given to this]* **meaning given that** term  
12 in ORS 166.432 *[(1)(a) to (e)]*.

13 (2) “Department” means the Department of State Police.

14 (3) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,  
15 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or  
16 otherwise.

17 (4) “Permit” or “permit-to-purchase” *[mean]* **means** an authorization issued **under section 4,**  
18 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022))**, to a person to purchase or acquire a  
19 firearm, provided all other requirements at the time of purchase or acquisition are met.

20 (5) “Permit **agent**” *[Agent]* means a county sheriff or police chief with jurisdiction over the  
21 residence of the person making an application for a permit-to-purchase*[, or their designees]*.

22 (6) “Transfer” has the meaning given that term in ORS 166.435 *[(1)(a)]*.

23 (7) “Transferor” means a person who is not a gun dealer or licensed as a manufacturer or  
24 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

25 **SECTION 4.** Section 4, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
26 to read:

27 **Sec. 4.** (1)(a) A person may apply for a *[permit-to-purchase]* **permit to purchase or otherwise**  
28 **acquire** a firearm or firearms under this section to *[the police chief or county sheriff with jurisdiction*  
29 *over the residence of the person making the application, or their designees, hereinafter referred to as*  
30 *“permit agent”.*] **a permit agent, as follows:**

31 **(A) An applicant whose residence is in an incorporated area may apply for a permit to**  
32 **purchase a firearm to either the police chief of the city in which the applicant resides or the**  
33 **county sheriff of the county in which the applicant resides.**

34 **(B) An applicant whose residence is in an unincorporated area may apply for a permit**  
35 **to purchase a firearm to the county sheriff of the county in which the applicant resides.**

36 (b) A person is qualified to be issued a permit-to-purchase under this section if the person:

37 (A) Is not prohibited from **possessing**, purchasing or acquiring a firearm under state or federal  
38 law*[, including but not limited to];*

39 **(B) Has not, within the previous four years, been convicted of or been found guilty except**  
40 **for insanity of a misdemeanor involving violence as defined in ORS 166.470;**

41 **(C) Successfully [completing] completes** a criminal background check as described *[under]* **in**  
42 paragraph *[(e)] (f)* of this subsection;

43 *[(B)] (D)* Is not the subject of an order described in ORS 166.525 to 166.543;

44 *[(C)] (E)* Does not present reasonable grounds for a permit agent to conclude that the applicant  
45 has been or is reasonably likely to be a danger to self or others, or to the community at large, as

1 a result of the applicant's mental or psychological state or as demonstrated by the applicant's past  
2 pattern of behavior involving unlawful violence or threats of unlawful violence;

3 [(D)] (F) Provides proof of completion of a firearm safety course as defined in subsection (8) of  
4 this section; and

5 [(E)] (G) Pays the fee described in [paragraph (b) of] subsection (3)(b) of this section.

6 (c) An application for a permit under this section must state the applicant's legal name, current  
7 address and telephone number, date and place of birth, physical description[,] and any additional  
8 information determined necessary by Department of State Police rules. The application must be  
9 signed by the applicant in front of the permit agent.

10 (d) The permit agent shall verify the applicant's identity with a government-issued form of  
11 identification bearing a photograph of the applicant. **Immediately upon acceptance of the appli-**  
12 **cation, the permit agent shall enter the applicant's name into the Law Enforcement Data**  
13 **System and indicate that the person is an applicant for a permit.**

14 (e) The applicant must submit to fingerprinting and photographing by the permit agent. The  
15 permit agent shall fingerprint and photograph the applicant and shall conduct [any] an investigation  
16 necessary to determine whether the applicant meets the qualifications described in paragraph (b)  
17 of this [section] subsection.

18 (f) The permit agent shall request the department to conduct a criminal background check, in-  
19 cluding but not limited to a fingerprint identification, **first through state databases and then**  
20 **through the Federal Bureau of Investigation. The department shall ensure that the Federal Bu-**  
21 **reau of Investigation [shall return] returns** the fingerprint cards used to conduct the criminal  
22 background check and [may] **does** not keep any record of the fingerprints. Upon completion of the  
23 criminal background check and determination of whether the permit applicant is qualified or dis-  
24 qualified from **possessing**, purchasing or otherwise acquiring a firearm, the department shall report  
25 the results[, including the outcome of the fingerprint-based criminal background check,] **in writing** to  
26 the permit agent. **The results shall consist of an indication that either the applicant is quali-**  
27 **fied or that the applicant is disqualified and the reason for the disqualification, and the out-**  
28 **come of the fingerprint-based criminal background check.**

29 (g) **The record of information obtained during the permit application process or during**  
30 **a request for a criminal background check by a permit agent is exempt from disclosure as**  
31 **a public record under ORS 192.311 to 192.478.**

32 (2)(a) If during the background check, the department determines that:

33 (A) [A purchaser] **An applicant** is prohibited from possessing a firearm under ORS 166.250 (1)(c),  
34 the department shall report the attempted application for a permit, the [purchaser's] **applicant's**  
35 name and any other personally identifiable information to all federal, state and local law enforce-  
36 ment agencies and district attorneys that have jurisdiction over the location or locations where the  
37 attempted application for a permit was made and where the permit applicant resides.[.];

38 (B) Based on the judgment of conviction, the permit applicant is prohibited from possessing a  
39 firearm as a condition of probation or that the permit applicant is currently on post-prison super-  
40 vision or parole, the department shall report the attempted application for a permit to the permit  
41 applicant's supervising officer and the district attorney of the county in which the conviction oc-  
42 curred.

43 (C) The permit applicant is prohibited from possessing a firearm due to a court order described  
44 in ORS 166.255 (1)(a), the department shall report the attempted application for a permit to the court  
45 that issued the order.

1 (D) The permit applicant is under the jurisdiction of the Psychiatric Security Review Board, the  
2 department shall report the attempted application for a permit to the board.

3 (b) Reports required by [paragraphs (A) to (D) of subsection (2)(a)] **paragraph (a) of this sub-**  
4 **section** shall be made within 24 hours after the determination is made, unless a report would com-  
5 promise an ongoing investigation, in which case the report may be delayed as long as necessary to  
6 avoid compromising the investigation.

7 (c) On or before January 31 of each year, beginning in 2024, the department shall annually  
8 publish a report indicating for each county the number of applications made to any permit agent,  
9 the number of permits-to-purchase issued and the number of permits-to-purchase denied and the  
10 reasons for denial. [The department may, by rule, include any additional information that it determines  
11 would be helpful to ensuring the permit-to-purchase process is being administered in a consistent and  
12 equitable manner.] **The report shall additionally specify, for each county, racial and gender in-**  
13 **formation concerning each applicant within the total number of permits granted, denied and**  
14 **the reason for denial to support the consistent and equitable administration of the permit-**  
15 **ting process. The report may not include any information that personally identifies an indi-**  
16 **vidual applicant. The department may adopt rules relating to the information needed from**  
17 **permit agents for the purposes of creating the annual report.**

18 (3)(a) Within [30] **60** days of receiving an application for a permit under this section, if the per-  
19 mit agent has verified the applicant's identity and determined that the applicant has met each of the  
20 qualifications described in [paragraph] **subsection (1)(b)** of this section, the permit agent shall issue  
21 the permit-to-purchase.

22 (b) The permit agent may charge a reasonable fee reflecting the actual cost of the process but  
23 shall not exceed [65] **\$150**, including the cost of fingerprinting, photographing and obtaining a  
24 criminal background check. **The portion of the fee payable to the department for conducting**  
25 **the state and federal criminal background check shall be established by the department and**  
26 **may not to exceed \$48.**

27 (4)(a) The department shall develop:

28 (A) A standardized application form for a permit under this section; and

29 (B) A form in quadruplicate for use by permit agents in issuing permits under this section.

30 (b) The issuing permit agent shall maintain a copy of each permit issued under this section **and**  
31 **shall enter the name of the permit holder into the Law Enforcement Data System and indi-**  
32 **cate that the person is a permit holder.**

33 (c) The person named in a permit shall:

34 (A) Maintain a copy of the permit as long as the permit is valid.

35 (B) Present a copy of the permit to the gun dealer or transferor of a firearm when required  
36 under ORS 166.412, 166.435, 166.436 or 166.438.

37 (5)(a) The permit agent shall report the issuance of a permit under this section to the  
38 department[,] and shall provide to the department a copy of the permit and any information neces-  
39 sary for the department to maintain an electronic searchable database of all permits issued under  
40 this section. A permit agent revoking a permit shall report the revocation to the department at the  
41 time that notice of the revocation has been sent to the permit holder.

42 (b) The department shall maintain the electronic database described in paragraph (a) of this  
43 subsection by ensuring that new permits are added to the database, renewed permits are assigned  
44 a new expiration date[,] and expired or revoked permits are marked expired or revoked but retained  
45 in the database.

1       (c) **The record of information obtained during the permit application process provided to**  
2 **the department or during the processing of a criminal background check by the department,**  
3 **and the information contained in the database described in this subsection, is exempt from**  
4 **disclosure as a public record under ORS 192.311 to 192.478.**

5       (6)(a) A permit-to-purchase issued under this section does not create any right of the permit  
6 holder to receive a firearm **or carry a concealed firearm.**

7       (b) A permit-to-purchase issued under this section is not a limit on the number of firearms the  
8 permit holder may purchase or acquire during the time period when the permit is valid.

9       (c) **A permit-to-purchase issued under this section is valid only for the purchase or ac-**  
10 **quisition of the following firearms while the permit holder is under 21 years of age:**

11       (A) **A single-shot rifle, whether centerfire or rimfire;**

12       (B) **A double-barreled shotgun;**

13       (C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
14 **straight-pull or revolving action;**

15       (D) **A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
16 **ing only with, 0.22 caliber rimfire ammunition;**

17       (E) **A muzzleloader rifle; or**

18       (F) **A shotgun with a pump, break, lever or revolving action.**

19       (7)(a) A permit-to-purchase issued under this section, **including a permit renewed as described**  
20 **in this subsection,** is valid for five years from the date of issuance, unless revoked.

21       (b) A person may renew an unexpired permit issued under this section by repeating the proce-  
22 dures set forth in subsection (1) of this section, except:

23       (A) A full [*finger print*] **fingerprint** set does not need to be taken again if the original set has  
24 been retained by the permit agent or is otherwise available; and

25       (B) The training course does not need to be completed, provided the course previously taken  
26 fully complies with each of the requirements set forth in subsection [8] (8) of this section.

27       (c) The permit agent may charge a reasonable fee for renewal of the permit, reflecting the actual  
28 cost of the process but shall not exceed [*\$50*] **\$110**, including the cost of obtaining a criminal back-  
29 ground check and photographing. **The portion of the fee payable to the department for con-**  
30 **ducting the state and federal criminal background check shall be established by the**  
31 **department and may not to exceed \$48.**

32       (8)(a) As used in this section, “proof of completion of a firearm safety course” means the fol-  
33 lowing:

34       [(a)] (A) Proof of completion of any firearms training course or class available to the general  
35 public that is offered by law enforcement, a community college, [*or*] a private or public institution  
36 or **an** organization or firearms training school utilizing instructors [*certified*] **approved** by a law  
37 enforcement agency, and that includes the components [*set forth*] **described** in paragraph [(c)] (b)  
38 of this subsection; [*or*]

39       [(b) *Proof of completion of any law enforcement firearms training course or class that is offered for*  
40 *security guards, investigators, reserve law enforcement officers, or any other law enforcement officers,*  
41 *and that includes the components set forth in paragraph (c) of this subsection;]*

42       (B) **Proof of completion of a training course or class for a concealed handgun license is-**  
43 **sued under ORS 166.291 and 166.292, provided that the course includes all of the components**  
44 **described in paragraph (b) of this subsection;**

45       (C) **Prior or current certification as a police officer, corrections officer or armed parole**

1 **and probation officer, as those terms are defined in ORS 181A.355 or a federal officer as de-**  
2 **defined in ORS 133.005;**

3 **(D) Certification as an instructor approved by the National Rifle Association;**

4 **(E) Proof of qualification with a pistol, rifle or other small arms while serving in the**  
5 **Armed Forces of the United States as defined in ORS 352.313, as documented on a federal**  
6 **DD Form 214 (Certificate of Release or Discharge from Active Duty), if the qualification oc-**  
7 **curred within the 10 years prior to the date of application for issuance of the permit; or**

8 **(F) Current certification as an armed private security professional under ORS 181A.840**  
9 **to 181A.893.**

10 [(c)] **(b)** A firearms training course or class required for issuance of a permit-to-purchase must  
11 include:

12 (A) Review of federal and state laws in place at the time of the class and other safe practices  
13 related to ownership, purchase, transfer, use and transportation of firearms;

14 (B) Review of federal and state safe storage laws in place at the time of the class and other safe  
15 practices related to safe storage, including reporting lost and stolen guns;

16 (C) Prevention of abuse or misuse of firearms, including the impact of homicide and suicide on  
17 families, communities and the country as a whole; and

18 (D) In-person demonstration of the applicant's ability to lock, load, unload, fire and store a  
19 firearm before an instructor [*certified*] **approved** by a law enforcement agency. This requirement  
20 may be met separately from the other course requirements in subparagraphs (A), (B) and (C) of **this**  
21 paragraph [(c)], which may be completed in an [*on-line*] **online** course, provided the [*on-line*] **online**  
22 course has been conducted by [*a trainer certified*] **an instructor approved** by a law enforcement  
23 **agency.**

24 **(c) A training course or class described in paragraph (a)(A) or (B) of this subsection must**  
25 **have been completed within five years prior to the date of application for issuance of the**  
26 **permit.**

27 [(d) *Proof of successful completion of a training course in order to meet the requirements for a*  
28 *concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a permit as a*  
29 *substitute for the requirements in paragraph (c) of this subsection, provided the completed course in-*  
30 *cluded each of the components set forth in paragraph (c) of this subsection.*]

31 **(d)(A) As used in this subsection, "instructor approved by a law enforcement agency"**  
32 **means an instructor who has written certification from an Oregon law enforcement agency**  
33 **to provide firearms training or who is currently approved to provide the firearms training**  
34 **required for an Oregon concealed handgun license under ORS 166.291.**

35 **(B) A law enforcement agency, the political subdivision governing the law enforcement**  
36 **agency and their officers, employees and agents are not civilly liable for the actions or in-**  
37 **actions of an approved trainer if the law enforcement agency acted in good faith providing**  
38 **the approval.**

39 (9) The department may adopt rules to carry out the provisions of this section.

40 **SECTION 5.** Section 5, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
41 to read:

42 **Sec. 5.** (1) If [*the*] **an** application for [*the*] **a** permit-to-purchase is denied, the permit agent shall  
43 set forth in writing the reasons for the denial. The denial shall be placed in the mail to the applicant  
44 by certified mail, restricted delivery, within [30] **60** days after the application was made. If no deci-  
45 sion is issued within [30] **60** days **and the 60th day occurs on or after January 1, 2024**, the person

1 may seek review under the procedures **described** in subsection [(5)] **(6)** of this section.

2 (2) Notwithstanding [subsections (1) to (3) of section 4 of this 2022 Act] **section 4 (1) to (3),**  
 3 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022))**, and subject to review as provided in  
 4 subsection [(5)] **(6)** of this section, a permit agent may deny a permit-to-purchase if the permit agent  
 5 has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger  
 6 to self or others, or to the community at large, as a result of the applicant's mental or psychological  
 7 state or as demonstrated by the applicant's past pattern of behavior involving unlawful violence or  
 8 threats of unlawful violence.

9 (3)(a) Any act or condition that would prevent the issuance of a permit-to-purchase is cause for  
 10 revoking a permit-to-purchase.

11 (b) A permit agent may revoke a permit by serving on the permittee a notice of revocation. The  
 12 notice must contain the grounds for the revocation and must be served either personally or by cer-  
 13 tified mail, restricted delivery. The notice and return of service shall be included in the file of the  
 14 permit holder. The revocation is effective upon the permit holder's receipt of the notice.

15 **(4) No civil or criminal liability shall attach to a permit agent, the Department of State**  
 16 **Police or any authorized representative of a permit agent or the department for receiving,**  
 17 **reviewing or conducting an investigation connected with an application for, or the issuance,**  
 18 **denial, revocation or refusal to renew, a firearm permit under this section or section 4,**  
 19 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), if the action is pursuant to or re-**  
 20 **sults from the lawful performance of official duties described in this section and section 4,**  
 21 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)).**

22 [(4)] **(5)** Any peace officer or corrections officer may seize a permit-to-purchase and return it to  
 23 the issuing permit agent if the permit is held by a person who has been arrested or cited for a crime  
 24 that can or would otherwise disqualify the person from being issued a permit. The issuing permit  
 25 agent shall hold the permit for 30 days. If the person is not charged with a crime within the 30 days,  
 26 the permit agent shall return the permit unless the permit agent revokes the permit as provided in  
 27 subsection (3) of this section.

28 [(5)] **(6)** A person denied a permit-to-purchase or whose permit is revoked or [not renewed] **de-**  
 29 **denied renewal** may petition the circuit court in the petitioner's county of residence to review the  
 30 denial[, nonrenewal] or revocation. The petition must be filed within 30 days after the receipt of the  
 31 notice of the denial or revocation.

32 [(6)] **(7)** [The] **A** judgment affirming or overturning [the] **a** permit agent's decision shall be based  
 33 on whether the petitioner meets the criteria that are used for issuance of a permit-to-purchase and,  
 34 if the petitioner was denied a permit, whether the permit agent has reasonable grounds for denial  
 35 under subsection (2) of this section. Whenever the petitioner has been previously sentenced for a  
 36 crime under ORS 161.610 [(Enhanced penalty for use of firearm during commission of felony)] or for  
 37 a crime of violence for which the person could have received a sentence of more than 10 years, the  
 38 court shall grant relief only if the court finds that relief should be granted in the interest of justice.

39 [(7)] **(8)** Notwithstanding the provisions of ORS 9.320 [(Necessity for employment of attorney)], a  
 40 party that is not a natural person, the state or any city, county, district or other political subdivi-  
 41 sion or public corporation in this state, without appearance by attorney, may appear as a party to  
 42 an action under this section.

43 [(8)] **(9)** Petitions filed under this section shall be heard and disposed of within 15 judicial days  
 44 of filing or as soon as practicable thereafter.

45 [(9)] **(10)** Filing fees for actions **described in this section** shall be as for any civil action filed

1 in the court. If the petitioner prevails, the amount of the filing fee shall be paid by the respondent  
2 to the petitioner and may be incorporated into the court order.

3 [(10)] (11) Initial appeals of petitions shall be heard de novo.

4 [(11)] (12) Any party to a judgment under this section may appeal to the Court of Appeals in the  
5 same manner as for any other civil action.

6 [(12)] (13) If the governmental entity files an appeal under this section and does not prevail, it  
7 shall be ordered to pay the attorney fees for the prevailing party.

8  
9 **TRANSFERS OCCURRING BEFORE JULY 1, 2024**

10  
11 **SECTION 6.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, is amended  
12 to read:

13 166.412. (1) As used in this section:

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

15 (b) “Department” means the Department of State Police;

16 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include  
17 an antique firearm;

18 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.  
19 921 to 929;

20 (e) “Firearms transaction thumbprint form” means a form provided by the department under  
21 subsection (11) of this section;

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

25 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a gun  
26 dealer.

27 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the  
28 following before a firearm is delivered to a purchaser:

29 (a) The purchaser shall present to the gun dealer current identification meeting the require-  
30 ments of subsection (4) of this section and, **for transfers occurring on or after July 1, 2024**, a  
31 valid permit issued under section 4 [of this 2022 Act], **chapter 1, Oregon Laws 2023**.

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

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

37 (d) The gun dealer shall, by telephone or computer, **request that the department conduct a**  
38 **criminal background check on the purchaser**, verify, **for transfers occurring on or after July**  
39 **1, 2024**, that the purchaser has a valid [permit-to-purchase] **permit to purchase** a firearm issued  
40 under section 4, chapter 1, Oregon Laws 2023, and [request that the department conduct a criminal  
41 history record check on the purchaser and shall] provide the following information to the department:

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

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

44 (C) The place of transfer;

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



1 (E) The make, model, caliber and manufacturer's number of the firearm being transferred;

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

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

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

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

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

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

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

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

18 (b) If the department is unable to determine **within 30 minutes** if the purchaser is qualified or  
19 disqualified from completing the transfer [*within 30 minutes*], the department shall notify the gun  
20 dealer and provide the gun dealer with an estimate of the time when the department will provide  
21 the requested information.

22 (c) The dealer may not transfer the firearm unless:

23 (A) The dealer receives a unique approval number from the department; and[,]

24 (B) **Seventy-two hours has elapsed since receipt of the unique approval number.**

25 (d) Within 48 hours of completing the transfer, the dealer shall notify the [*state*] **department**  
26 that the transfer [*to the permit holder*] was completed.

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

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

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

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

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

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

44 (6) No public employee, official or agency shall be held criminally or civilly liable for performing  
45 the investigations required by this section provided the employee, official or agency acts in good

1 faith and without malice.

2 (7)(a) The department may retain a record of the information obtained during a request for a  
3 criminal history record check for no more than five years[, *except for the information provided to the*  
4 *dealer under subsection (2)(d) of this section, sufficient to reflect each firearm purchased by a permit*  
5 *holder, which must be attached to the electronic record of the permit stored by the department. The*  
6 *department may develop a system for removal of the information in subsection (2)(d)(E) of this section,*  
7 *upon proof of sale or transfer of the firearm to another permit holder and for recording of the infor-*  
8 *mation to reflect the transfer of ownership to the permit of the new owner].*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) A gun dealer that requests a criminal background check under this subsection is immune  
17 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun  
18 dealer:

19 (A) Requests the criminal background check as described in this section [*and also provided that*  
20 *the dealer*];

21 (B) **Receives a unique approval number from the department indicating successful com-**  
22 **pletion of the criminal background check;**

23 (C) **Allows 72 hours to elapse between receipt of the unique approval number and transfer**  
24 **of the firearm; and**

25 (D) **For transfers occurring on or after July 1, 2024,** verifies that the recipient has a valid  
26 [*permit-to-purchase*] **permit to purchase** the firearm [*and the dealer has received a unique approval*  
27 *number from the department indicating successful completion of the background check*].

28 (14)(a) Knowingly selling or delivering a firearm to a purchaser or transferee [*who does not have*  
29 *a valid permit-to-purchase a firearm in violation of subsection (2)(d) of this section, or*] prior to re-  
30 ceiving a unique approval number from the department based on the criminal background check in  
31 violation of subsection (3)(c) of this section is a Class A misdemeanor.

32 (b) **For transfers occurring on or after July 1, 2024, knowingly selling or delivering a**  
33 **firearm to a purchaser or transferee who does not have a valid permit to purchase a firearm**  
34 **in violation of subsection (2)(d) of this section, or prior to receiving a unique approval num-**  
35 **ber from the department based on the criminal background check in violation of subsection**  
36 **(3)(c) of this section, is a Class A misdemeanor.**

37 **SECTION 7.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, is amended  
38 to read:

39 166.435. (1) As used in this section:

40 (a) “Transfer” means the delivery of a firearm from a transferor to a transferee, including, but  
41 not limited to, the sale, gift, loan or lease of the firearm. “Transfer” does not include the temporary  
42 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is  
43 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and  
44 the provision occurs:

45 (A) At a shooting range, shooting gallery or other area designed for the purpose of target

1 shooting, for use during target practice, a firearms safety or training course or class or a similar  
2 lawful activity;

3 (B) For the purpose of hunting, trapping or target shooting, during the time in which the  
4 transferee is engaged in activities related to hunting, trapping or target shooting;

5 (C) Under circumstances in which the transferee and the firearm are in the presence of the  
6 transferor;

7 (D) To a transferee who is in the business of repairing firearms, for the time during which the  
8 firearm is being repaired;

9 (E) To a transferee who is in the business of making or repairing custom accessories for  
10 firearms, for the time during which the accessories are being made or repaired; or

11 (F) For the purpose of preventing imminent death or serious physical injury, and the provision  
12 lasts only as long as is necessary to prevent the death or serious physical injury.

13 (b) "Transferee" means a person who is not a gun dealer or licensed as a manufacturer or  
14 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

15 (c) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer or  
16 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

17 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor  
18 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as  
19 described in subsection (3) of this section.

20 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
21 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
22 transferee must appear in person before a gun dealer, with the firearm and, **for transfers occur-**  
23 **ring on or after July 1, 2024**, a valid permit-to-purchase issued to the transferee under section 4,  
24 chapter 1, Oregon Laws 2023, and request that the gun dealer perform a criminal background check  
25 on the transferee.

26 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may  
27 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated  
28 by the transferee, and the transferor need not appear before the gun dealer in person.

29 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request  
30 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with  
31 all requirements of federal law.

32 (d) If, upon completion of a criminal background check, the gun dealer:

33 (A) Receives a unique approval number from the Department of State Police indicating that the  
34 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the  
35 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

36 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
37 or receiving the firearm or that the department is unable to determine if the transferee is qualified  
38 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither  
39 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor  
40 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the  
41 gun dealer shall comply with federal law when returning the firearm to the transferor.

42 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this  
43 section.

44 (4) The requirements of subsections (2) and (3) of this section do not apply to:

45 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement

1 officer, private security professional or member of the Armed Forces of the United States, while that  
2 person is acting within the scope of official duties.

3 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law  
4 enforcement agency receives or purchases firearms from members of the public.

5 (c) The transfer of a firearm to:

6 (A) A transferor's spouse or domestic partner;

7 (B) A transferor's parent or stepparent;

8 (C) A transferor's child or stepchild;

9 (D) A transferor's sibling;

10 (E) A transferor's grandparent;

11 (F) A transferor's grandchild;

12 (G) A transferor's aunt or uncle;

13 (H) A transferor's first cousin;

14 (I) A transferor's niece or nephew; or

15 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
16 agraph.

17 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided  
18 that:

19 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
20 111.005, or a trustee of a trust created in a will; and

21 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph  
22 (c) of this subsection.

23 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class  
24 A misdemeanor.

25 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the  
26 requirements of this section commits a Class B felony if the transferor has a previous conviction  
27 under this section at the time of the offense.

28 **SECTION 8.** ORS 166.436, as amended by section 8, chapter 1, Oregon Laws 2023, is amended  
29 to read:

30 166.436. (1) The Department of State Police shall make the telephone number established under  
31 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
32 sons who are not gun dealers and who are transferring firearms at gun shows.

33 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by  
34 telephone **request that the department conduct a criminal background check on the recipient,**  
35 **verify, for transfers occurring on or after July 1, 2024,** that the transferee has a valid [*permit-*  
36 *to-purchase*] **permit to purchase** a firearm under section 4, chapter 1, Oregon Laws 2023, and [*re-*  
37 *quest that the department conduct a criminal background check on the recipient upon providing*]  
38 **provide** the following information to the department:

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

40 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;

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

42 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;

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

44 (f) The type, issuer and identification number of a current piece of identification bearing a re-  
45 cent photograph of the recipient presented by the recipient. The identification presented by the re-

1 recipient must meet the requirements of ORS 166.412 (4)(a).

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

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

7 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide  
8 the transferor with a unique approval number indicating that the recipient is qualified to complete  
9 the transfer. The unique approval number is *[a permit]* **an authorization** valid for 24 hours for the  
10 requested transfer. If the firearm is not transferred from the transferor to the recipient within 24  
11 hours after receipt of the unique approval number, a new request must be made by the transferor.

12 (b) If the department is unable to determine whether the recipient is qualified for or disqualified  
13 from completing the transfer within 30 minutes of receiving the request, the department shall notify  
14 the transferor and provide the transferor with an estimate of the time when the department will  
15 provide the requested information.

16 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval  
17 number from the department and, within 48 hours of the completed transfer, the transferor shall  
18 notify the *[state]* **department** that the transfer *[to the permit holder]* was completed.

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

22 (5)(a) The department may retain a record of the information obtained during a request for a  
23 criminal background check under this section for the period of time provided in ORS 166.412 (7),  
24 *as amended by chapter 1, Oregon Laws 2023*].

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

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

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

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

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

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

45 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's

1 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-  
2 endar year shall inform the department of any action that was taken concerning the report and the  
3 outcome of the action.

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

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

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

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

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

14 (6) The recipient of the firearm must be present when the transferor requests a criminal back-  
15 ground check under this section.

16 (7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who receives  
17 notification under this section that the recipient is qualified to complete the transfer of a firearm,  
18 has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as required  
19 by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time of the  
20 transfer unless the transferor knows, or reasonably should know, that the recipient is likely to  
21 commit an unlawful act involving the firearm.

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

23 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends  
24 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may  
25 not lawfully possess the firearm; or

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

27 **SECTION 9.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, is amended  
28 to read:

29 166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-  
30 less the transferor:

31 (a)(A) **For transfers occurring on or after July 1, 2024**, verifies with the Department of State  
32 **Police** that the recipient has a valid permit-to-purchase issued under section 4, chapter 1, Oregon  
33 Laws 2023;

34 (B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

35 (C) Receives a unique approval number from the department indicating that the recipient is  
36 qualified to complete the transfer; and

37 (D) Has the recipient complete the form described in ORS 166.441; or

38 (b) Completes the transfer through a gun dealer.

39 (2) The transferor shall retain the completed form referred to in subsection (1) of this section  
40 for at least five years and shall make the completed form available to law enforcement agencies for  
41 the purpose of criminal investigations.

42 (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice  
43 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the  
44 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

45 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under

1 18 U.S.C. 923.

2 (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a  
3 Class A misdemeanor.

4 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements  
5 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous  
6 convictions under this section at the time of the offense.

7 (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that  
8 the person did not know, or reasonably could not know, that more than 25 firearms were at the site  
9 and available for transfer.

10 **SECTION 10. Nothing in the amendments to ORS 166.412, 166.435, 166.436 or 166.438 by**  
11 **sections 6 to 9 of this 2023 Act is intended to delay or prevent the development of the process**  
12 **for issuing permits to purchase firearms under sections 3 to 5, chapter 1, Oregon Laws 2023**  
13 **(Ballot Measure 114 (2022)).**

14  
15 **LARGE-CAPACITY MAGAZINES**

16  
17 **SECTION 11.** Section 11, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
18 to read:

19 **Sec. 11.** (1) As used in this section:

20 (a) “Armed Forces of the United States” has the meaning given that term in ORS [348.282]  
21 **352.313.**

22 (b) “Detachable magazine” means an ammunition feeding device that can be loaded or unloaded  
23 while detached from a firearm and readily inserted in a firearm.[;]

24 (c) “Fixed magazine” means an ammunition feeding device contained in or permanently attached  
25 to a firearm in such a manner that the device cannot be removed without disassembly of the firearm  
26 action.[;]

27 (d) “Large-capacity magazine” means a fixed or detachable magazine, belt, drum, feed strip,  
28 helical feeding device, or similar device, including any such device joined or coupled with another  
29 in any manner, or a kit with such parts, that has an overall capacity of, or that can be readily re-  
30 stored, changed[,] or converted to accept, more than 10 rounds of ammunition and allows a shooter  
31 to keep firing without having to pause to reload, but does not include any of the following:

32 (A) An ammunition feeding device that has been permanently altered so that it is not capable,  
33 now or in the future, of accepting more than 10 rounds of ammunition;

34 (B) An attached tubular device designed to accept, and capable of operating only with, 0.22  
35 caliber rimfire ammunition; or

36 (C) A tubular ammunition feeding device that is contained in a lever-action firearm.

37 (e) “Loaded” has the meaning given that term in ORS 166.360.[;]

38 (f) “Person” means any natural person, corporation, partnership, [fire] **firm** or association.

39 (2) Notwithstanding ORS 166.250 to 166.470, and except as expressly provided in subsections (3)  
40 to (5) of this section, a person commits the crime of unlawful manufacture, importation, possession,  
41 use, purchase, sale or otherwise transferring of large-capacity magazines if the person manufactures,  
42 imports, possesses, uses, purchases, sells or otherwise transfers any large-capacity magazine in  
43 Oregon on or after [*the effective date of this 2022 Act*] **December 8, 2022.**

44 (3) Subsection (2) of this section does not apply during the first 180 days following [*the effective*  
45 *date of this 2022 Act*] **December 8, 2022**, with respect to:



1 (a) A licensed gun dealer that within 180 days of [*the effective date of this 2022 Act*] **December**  
2 **8, 2022**:

3 (A) Transfers or sells the large-capacity magazines in the gun dealer's inventory to a [*non-*  
4 *resident*] **nonresident** gun dealer or other transferee outside of this state;

5 (B) Purchases or acquires temporary custody from an owner of any large-capacity magazine for  
6 permanent removal from this state within [*the*] 180 days of [*the effective date of this 2022 Act*] **De-**  
7 **cember 8, 2022**;

8 (C) Permanently alters any large-capacity magazine in the gun dealer's inventory or custody so  
9 that it is not capable, upon alteration or in the future, of accepting more than 10 rounds of ammu-  
10 nition or permanently alter the magazine so it is no longer a **large-capacity magazine**; or

11 (D) Permanently disposes of the large-capacity magazines in the gun dealer's custody or inven-  
12 tory.

13 (b) A firearms manufacturer, properly licensed under federal, state and local law, that is a party  
14 to a contract, in existence and binding on [*the effective date of this 2022 Act*] **December 8, 2022**, with  
15 an entity outside of this state, for the manufacture of large-capacity magazines, provided that:

16 (A) All manufacturing is completed no later than 180 days after [*the effective date of this 2022*  
17 *Act*] **December 8, 2022**; and

18 (B) The entity outside of Oregon receiving the large-capacity magazines is made aware in writ-  
19 ing on or before the delivery of the ammunition devices of the restrictions pertaining to large-  
20 capacity magazines in this state as set forth in [*this 2022 Act*] **chapter 1, Oregon Laws 2023 (Ballot**  
21 **Measure 114 (2022))**.

22 (4) Subsection (2) of this section does not apply at any time to:

23 (a) A firearms manufacturer properly licensed under federal, state and local law that manufac-  
24 tures large-capacity magazines, provided:

25 (A) The manufacturing is for exclusive sale or transfer to the Armed Forces of the United States  
26 or a law enforcement agency and solely for authorized use by that entity related to the official du-  
27 ties of the entity; and

28 (B) Any large-capacity magazine, permitted to be manufactured under paragraph (a)(A) of this  
29 subsection after [*the effective date of this 2022 Act*] **December 8, 2022**, shall include a permanent  
30 stamp or marking indicating that the large-capacity magazine was manufactured or assembled after  
31 [*the effective date of this 2022 Act*] **December 8, 2022**. The stamp or marking must be legibly and  
32 conspicuously engraved or cast upon the outer surface of the large-capacity magazine. The Depart-  
33 ment of **State Police** may promulgate such rules as may be necessary for the implementation of this  
34 section, including but not limited to rules requiring such large-capacity magazine be stamped with  
35 information indicating the limitation for use only by military and law enforcement or such other  
36 identification to distinguish clearly large-capacity magazines manufactured after [*the effective date*  
37 *of this 2022 Act*] **December 8, 2022**. Except as provided in [*paragraph*] **subsection** (3)(b) of this  
38 section, no large-capacity magazines without such stamp may be manufactured in this state after  
39 [*the effective date of this Act*] **December 8, 2022**.

40 (b) A licensed gun dealer that sells or otherwise transfers large-capacity magazines to the  
41 Armed Forces of the United States or a law enforcement agency solely for authorized use by that  
42 entity, provided the large-capacity magazines have been engraved as provided in paragraph (a)(B)  
43 of this subsection.

44 (c) Any government officer, agent or employee, member of the Armed Forces of the United  
45 States or peace officer, as that term is defined in ORS 133.005, that is authorized to acquire, possess

1 or use a large-capacity magazine provided that any acquisition, possession or use is related  
2 [directly] to activities within the scope of that person’s official duties.

3 (5) [As of the effective date of this 2022 Act, it shall be] **It is** an affirmative defense, as provided  
4 in ORS [166.055] **161.055**, to the unlawful possession, use and transfer of a large-capacity magazine  
5 in this state by any person[, provided] that:

6 (a)(A) The large-capacity magazine was owned by the person before [the effective date of this  
7 2022 Act] **December 8, 2022**, and maintained in the person’s control or possession; or

8 [(b)] (B) The possession of a large-capacity magazine was obtained by a person who, on or after  
9 [the effective date of this section] **December 8, 2022**, acquired possession of the large-capacity mag-  
10 azine by operation of law upon the death of a former owner who was in legal possession of the  
11 large-capacity magazine; and

12 [(c)] (b)(A) [In addition to either (a) or (b) of this subsection] The owner has not maintained the  
13 large-capacity magazine in a manner other than:

14 [(A)] (i) On property owned or immediately controlled by the [registered] owner;

15 [(B)] (ii) On the premises of a gun dealer or gunsmith licensed under 18 U.S.C. 923 for the pur-  
16 pose of lawful service or repair;

17 [(C)] (iii) While engaging in the legal use of the large-capacity magazine, at a public or private  
18 shooting range or shooting gallery or for recreational activities such as hunting, to the extent per-  
19 mitted under state law; or

20 [(D)] (iv) While participating in a firearms competition or an exhibition, display or educational  
21 project about firearms sponsored, conducted by, approved or under the auspices of a law enforce-  
22 ment agency or a national or state-recognized entity that fosters proficiency in firearms use or  
23 promotes firearms education; and

24 [(E)] (B) While transporting any large-capacity magazines in a vehicle to one of the locations  
25 authorized in [paragraphs (c)(A) to (D) of this subsection] **subparagraph (A) of this paragraph**, the  
26 large-capacity magazine is not inserted into the firearm and is locked in a separate container.

27 [(d)] (6) **It is an affirmative defense, as provided in ORS 161.055, to the unlawful pos-  
28 session, use and transfer of a large-capacity magazine in this state by any person that** the  
29 person has permanently and voluntarily relinquished the large-capacity magazine to law  
30 enforcement, or to a buyback or turn-in program approved by law enforcement, prior to **the** com-  
31 mencement of prosecution **for the possession, use or transfer** by arrest, citation or a formal  
32 charge.

33 [(6)] (7) Unlawful manufacture, importation, possession, use, purchase, sale or otherwise trans-  
34 ferring of a large-capacity magazine is a [class] **Class A** misdemeanor.

35  
36 **TRANSFERS OCCURRING ON OR AFTER JULY 1, 2024**

37  
38 **SECTION 12.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, and section  
39 6 of this 2023 Act, is amended to read:

40 166.412. (1) As used in this section:

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

42 (b) “Department” means the Department of State Police;

43 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include  
44 an antique firearm;

45 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.

1 921 to 929;

2 (e) “Firearms transaction thumbprint form” means a form provided by the department under  
3 subsection (11) of this section;

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

7 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a gun  
8 dealer.

9 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the  
10 following before a firearm is delivered to a purchaser:

11 (a) The purchaser shall present to the gun dealer current identification meeting the require-  
12 ments of subsection (4) of this section and, *[for transfers occurring on or after July 1, 2024]* **unless**  
13 **an exception described in subsection (15) of this section applies**, a valid permit issued under  
14 section 4, chapter 1, Oregon Laws 2023.

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

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

20 (d) The gun dealer shall, by telephone or computer, request that the department conduct a  
21 criminal background check on the purchaser, verify, *[for transfers occurring on or after July 1,*  
22 *2024]* **unless an exception described in subsection (15) of this section applies**, that the purchaser  
23 has a valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023, and  
24 provide the following information to the department:

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

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

27 (C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

1 (b) If the department is unable to determine within 30 minutes if the purchaser is qualified or  
2 disqualified from completing the transfer, the department shall notify the gun dealer and provide the  
3 gun dealer with an estimate of the time when the department will provide the requested information.

4 (c) The dealer may not transfer the firearm unless:

5 (A) The dealer receives a unique approval number from the department; and

6 (B) Seventy-two hours has elapsed since receipt of the unique approval number.

7 (d) Within 48 hours of completing the transfer, the dealer shall notify the department that the  
8 transfer was completed.

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

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

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

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

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

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

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

29 (7)(a) The department may retain a record of the information obtained during a request for a  
30 criminal history record check for no more than five years, **except that information provided to**  
31 **the gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm pur-**  
32 **chased by a permit holder shall be retained and attached to the electronic record of the**  
33 **permit stored by the department. The department may develop a system for removal of the**  
34 **information described in subsection (2)(d)(E) of this section upon proof of sale or transfer**  
35 **of the firearm to another permit holder, and for the recording of the information to reflect**  
36 **the transfer of ownership to the permit of the new owner.**

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

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

44 (d) If the department determines that, based on the judgment of conviction, the purchaser is  
45 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently

1 on post-prison supervision or parole, the department shall report the attempted transfer to the  
2 purchaser's supervising officer and the district attorney of the county in which the conviction oc-  
3 curred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (b) A gun dealer that requests a criminal background check under this subsection is immune  
45 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun

1 dealer:

2 (A) Requests the criminal background check as described in this section;

3 (B) Receives a unique approval number from the department indicating successful completion  
4 of the criminal background check;

5 (C) Allows 72 hours to elapse between receipt of the unique approval number and transfer of the  
6 firearm; and

7 (D) *[For transfers occurring on or after July 1, 2024]* **Unless an exception described in sub-**  
8 **section (15) of this section applies**, verifies that the recipient has a valid permit to purchase the  
9 firearm.

10 *[(14)(a) Knowingly selling or delivering a firearm to a purchaser or transferee prior to receiving*  
11 *a unique approval number from the department based on the criminal background check in violation*  
12 *of subsection (3)(c) of this section is a Class A misdemeanor.]*

13 *[(b)]* **(14)** *[For transfers occurring on or after July 1, 2024,]* Knowingly selling or delivering a  
14 firearm to a purchaser or transferee who does not have a valid permit to purchase a firearm in vi-  
15 olation of subsection (2)(d) of this section **and does not qualify for an exception described in**  
16 **subsection (15) of this section**, or prior to receiving a unique approval number from the depart-  
17 ment based on the criminal background check in violation of subsection (3)(c) of this section, is a  
18 Class A misdemeanor.

19 **(15) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**  
20 **2023 (Ballot Measure 114 (2022)), is not required for a firearm purchase from a gun dealer**  
21 **under this section if:**

22 (a) **The purchaser can demonstrate proof of completion of a firearm safety course as**  
23 **defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-**  
24 **chasing:**

25 (A) **A single-shot rifle, whether centerfire or rimfire;**

26 (B) **A double-barreled shotgun;**

27 (C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
28 **straight-pull or revolving action;**

29 (D) **A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
30 **ing only with, 0.22 caliber rimfire ammunition;**

31 (E) **A muzzleloader rifle; or**

32 (F) **A shotgun with a pump, break, lever or revolving action; or**

33 (b) **The purchaser is:**

34 (A) **An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**  
35 **presents valid identification and an identification number issued to the purchaser by the**  
36 **Department of Public Safety Standards and Training; or**

37 (B) **An active duty member of the Armed Forces of the United States as defined in ORS**  
38 **352.313 and presents valid identification.**

39 **SECTION 13.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, and section  
40 7 of this 2023 Act, is amended to read:

41 166.435. (1) As used in this section:

42 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, including, but  
43 not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the temporary  
44 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is  
45 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and

1 the provision occurs:

2 (A) At a shooting range, shooting gallery or other area designed for the purpose of target  
3 shooting, for use during target practice, a firearms safety or training course or class or a similar  
4 lawful activity;

5 (B) For the purpose of hunting, trapping or target shooting, during the time in which the  
6 transferee is engaged in activities related to hunting, trapping or target shooting;

7 (C) Under circumstances in which the transferee and the firearm are in the presence of the  
8 transferor;

9 (D) To a transferee who is in the business of repairing firearms, for the time during which the  
10 firearm is being repaired;

11 (E) To a transferee who is in the business of making or repairing custom accessories for  
12 firearms, for the time during which the accessories are being made or repaired; or

13 (F) For the purpose of preventing imminent death or serious physical injury, and the provision  
14 lasts only as long as is necessary to prevent the death or serious physical injury.

15 (b) "Transferee" means a person who is not a gun dealer or licensed as a manufacturer or  
16 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

17 (c) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer or  
18 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

19 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor  
20 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as  
21 described in subsection (3) of this section.

22 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
23 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
24 transferee must appear in person before a gun dealer, with the firearm and, *[for transfers occurring*  
25 *on or after July 1, 2024]* **unless an exception described in subsection (6) of this section**  
26 **applies**, a valid permit-to-purchase issued to the transferee under section 4, chapter 1, Oregon Laws  
27 2023, and request that the gun dealer perform a criminal background check on the transferee.

28 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may  
29 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated  
30 by the transferee, and the transferor need not appear before the gun dealer in person.

31 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request  
32 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with  
33 all requirements of federal law.

34 (d) If, upon completion of a criminal background check, the gun dealer:

35 (A) Receives a unique approval number from the Department of State Police indicating that the  
36 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the  
37 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

38 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
39 or receiving the firearm or that the department is unable to determine if the transferee is qualified  
40 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither  
41 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor  
42 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the  
43 gun dealer shall comply with federal law when returning the firearm to the transferor.

44 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this  
45 section.

1 (4) The requirements of subsections (2) and (3) of this section do not apply to:

2 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement  
3 officer, private security professional or member of the Armed Forces of the United States, while that  
4 person is acting within the scope of official duties.

5 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law  
6 enforcement agency receives or purchases firearms from members of the public.

7 (c) The transfer of a firearm to:

8 (A) A transferor's spouse or domestic partner;

9 (B) A transferor's parent or stepparent;

10 (C) A transferor's child or stepchild;

11 (D) A transferor's sibling;

12 (E) A transferor's grandparent;

13 (F) A transferor's grandchild;

14 (G) A transferor's aunt or uncle;

15 (H) A transferor's first cousin;

16 (I) A transferor's niece or nephew; or

17 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
18 agraph.

19 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided  
20 that:

21 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
22 111.005, or a trustee of a trust created in a will; and

23 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph  
24 (c) of this subsection.

25 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class  
26 A misdemeanor.

27 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the  
28 requirements of this section commits a Class B felony if the transferor has a previous conviction  
29 under this section at the time of the offense.

30 **(6) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**  
31 **2023 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if:**

32 **(a) The transferee can demonstrate proof of completion of a firearm safety course as**  
33 **defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-**  
34 **chasing:**

35 **(A) A single-shot rifle, whether centerfire or rimfire;**

36 **(B) A double-barreled shotgun;**

37 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
38 **straight-pull or revolving action;**

39 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
40 **ing only with, 0.22 caliber rimfire ammunition;**

41 **(E) A muzzleloader rifle; or**

42 **(F) A shotgun with a pump, break, lever or revolving action; or**

43 **(b) The transferee is:**

44 **(A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**  
45 **presents valid identification and an identification number issued to the transferee by the**



1 **Department of Public Safety Standards and Training; or**

2 **(B) An active duty member of the Armed Forces of the United States as defined in ORS**  
3 **352.313 and presents valid identification.**

4 **SECTION 14.** ORS 166.436, as amended by section 8, chapter 1, Oregon Laws 2023, and section  
5 8 of this 2023 Act, is amended to read:

6 166.436. (1) The Department of State Police shall make the telephone number established under  
7 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
8 sons who are not gun dealers and who are transferring firearms at gun shows.

9 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by  
10 telephone request that the department conduct a criminal background check on the recipient, verify,  
11 *[for transfers occurring on or after July 1, 2024]* **unless an exception described in ORS 166.438 (7)**  
12 **applies**, that the transferee has a valid permit to purchase a firearm under section 4, chapter 1,  
13 Oregon Laws 2023, and provide the following information to the department:

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

15 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;

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

17 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;

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 provide  
28 the transferor with a unique approval number indicating that the recipient is qualified to complete  
29 the transfer. The unique approval number is an authorization 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 disqualified  
33 from completing the transfer within 30 minutes of receiving the request, the department shall notify  
34 the transferor and provide the transferor with an estimate of the time when the department will  
35 provide the requested information.

36 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval  
37 number from the department and, within 48 hours of the completed transfer, the transferor shall  
38 notify the department that the transfer was completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (6) The recipient of the firearm must be present when the transferor requests a criminal back-  
34 ground check under this section.

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

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

42 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends  
43 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may  
44 not lawfully possess the firearm; or

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

1       **SECTION 15.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, and section  
2 9 of this 2023 Act, is amended to read:

3       166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-  
4 less the transferor:

5       (a)(A) *[For transfers occurring on or after July 1, 2024]* **Unless an exception described in**  
6 **subsection (7) of this section applies**, verifies with the Department of State Police that the re-  
7 cipient has a valid permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023;

8       (B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

9       (C) Receives a unique approval number from the department indicating that the recipient is  
10 qualified to complete the transfer; and

11       (D) Has the recipient complete the form described in ORS 166.441; or

12       (b) Completes the transfer through a gun dealer.

13       (2) The transferor shall retain the completed form referred to in subsection (1) of this section  
14 for at least five years and shall make the completed form available to law enforcement agencies for  
15 the purpose of criminal investigations.

16       (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice  
17 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the  
18 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

19       (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under  
20 18 U.S.C. 923.

21       (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a  
22 Class A misdemeanor.

23       (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements  
24 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous  
25 convictions under this section at the time of the offense.

26       (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that  
27 the person did not know, or reasonably could not know, that more than 25 firearms were at the site  
28 and available for transfer.

29       **(7) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**  
30 **2023 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if:**

31       **(a) The recipient can demonstrate proof of completion of a firearm safety course as de-**  
32 **defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-**  
33 **chasing:**

34       **(A) A single-shot rifle, whether centerfire or rimfire;**

35       **(B) A double-barreled shotgun;**

36       **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
37 **straight-pull or revolving action;**

38       **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
39 **ing only with, 0.22 caliber rimfire ammunition;**

40       **(E) A muzzleloader rifle; or**

41       **(F) A shotgun with a pump, break, lever or revolving action; or**

42       **(b) The recipient is:**

43       **(A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**  
44 **presents valid identification and an identification number issued to the recipient by the De-**  
45 **partment of Public Safety Standards and Training; or**

1 (B) An active duty member of the Armed Forces of the United States as defined in ORS  
2 352.313 and presents valid identification.

3 SECTION 16. (1) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections  
4 12 to 15 of this 2023 Act become operative on July 1, 2024.

5 (2) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 12 to 15 of  
6 this 2023 Act apply to firearm transfers occurring on or after July 1, 2024.

7  
8 **TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026**

9  
10 SECTION 17. ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, and sections  
11 6 and 12 of this 2023 Act, is amended to read:

12 166.412. (1) As used in this section:

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

14 (b) “Department” means the Department of State Police;

15 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include  
16 an antique firearm;

17 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.  
18 921 to 929;

19 (e) “Firearms transaction thumbprint form” means a form provided by the department under  
20 subsection (11) of this section;

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

24 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a gun  
25 dealer.

26 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the  
27 following before a firearm is delivered to a purchaser:

28 (a) The purchaser shall present to the gun dealer current identification meeting the require-  
29 ments of subsection (4) of this section and, unless an exception described in subsection (15) of this  
30 section applies, a valid permit issued under section 4, chapter 1, Oregon Laws 2023.

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

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

36 (d) The gun dealer shall, by telephone or computer, request that the department conduct a  
37 criminal background check on the purchaser, verify, unless an exception described in subsection (15)  
38 of this section applies, that the purchaser has a valid permit to purchase a firearm issued under  
39 section 4, chapter 1, Oregon Laws 2023, and provide the following information to the department:

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

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

42 (C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

16 (b) If the department is unable to determine within 30 minutes if the purchaser is qualified or  
17 disqualified from completing the transfer, the department shall notify the gun dealer and provide the  
18 gun dealer with an estimate of the time when the department will provide the requested information.

19 (c) The dealer may not transfer the firearm unless:

20 (A) The dealer receives a unique approval number from the department; and

21 (B) Seventy-two hours has elapsed since receipt of the unique approval number.

22 (d) Within 48 hours of completing the transfer, the dealer shall notify the department that the  
23 transfer was completed.

24 (e) **A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**  
25 **only for the purchase or acquisition of the following firearms while the permit holder is un-**  
26 **der 21 years of age:**

27 (A) **A single-shot rifle, whether centerfire or rimfire;**

28 (B) **A double-barreled shotgun;**

29 (C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
30 **straight-pull or revolving action;**

31 (D) **A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
32 **ing only with, 0.22 caliber rimfire ammunition;**

33 (E) **A muzzleloader rifle; or**

34 (F) **A shotgun with a pump, break, lever or revolving action.**

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

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

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

42 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does  
43 not include the current address of the purchaser, the purchaser shall present a second piece of  
44 current identification that contains the current address of the purchaser. The Superintendent of  
45 State Police may specify by rule the type of identification that may be presented under this para-

1 graph.

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

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

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

10 (7)(a) The department may retain a record of the information obtained during a request for a  
11 criminal history record check for no more than five years, except that information provided to the  
12 gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm purchased by a  
13 permit holder shall be retained and attached to the electronic record of the permit stored by the  
14 department. The department may develop a system for removal of the information described in sub-  
15 section (2)(d)(E) of this section upon proof of sale or transfer of the firearm to another permit holder,  
16 and for the recording of the information to reflect the transfer of ownership to the permit of the new  
17 owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) A gun dealer that requests a criminal background check under this subsection is immune  
26 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun  
27 dealer:

28 (A) Requests the criminal background check as described in this section;

29 (B) Receives a unique approval number from the department indicating successful completion  
30 of the criminal background check;

31 (C) Allows 72 hours to elapse between receipt of the unique approval number and transfer of the  
32 firearm; and

33 (D) Unless an exception described in subsection (15) of this section applies, verifies that the  
34 recipient has a valid permit to purchase the firearm.

35 (14) Knowingly selling or delivering a firearm to a purchaser or transferee who does not have  
36 a valid permit to purchase a firearm in violation of subsection (2)(d) of this section and does not  
37 qualify for an exception described in subsection (15) of this section, or prior to receiving a unique  
38 approval number from the department based on the criminal background check in violation of sub-  
39 section (3)(c) of this section, is a Class A misdemeanor.

40 (15) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023  
41 (Ballot Measure 114 (2022)), is not required for a firearm purchase from a gun dealer under this  
42 section if[.]

43 *[(a) The purchaser can demonstrate proof of completion of a firearm safety course as defined in*  
44 *section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:]*

45 *[(A) A single-shot rifle, whether centerfire or rimfire;]*

1        *[(B) A double-barreled shotgun;]*

2        *[(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*  
3 *revolving action;]*

4        *[(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*  
5 *with, 0.22 caliber rimfire ammunition;]*

6        *[(E) A muzzleloader rifle; or]*

7        *[(F) A shotgun with a pump, break, lever or revolving action; or]*

8        *[(b)] the purchaser is:*

9        *[(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and*  
10 *presents valid identification and an identification number issued to the purchaser by the Department*  
11 *of Public Safety Standards and Training; or*

12        *[(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS*  
13 *352.313 and presents valid identification.*

14        **SECTION 18.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, and sections  
15 7 and 13 of this 2023 Act, is amended to read:

16        166.435. (1) As used in this section:

17        (a) “Transfer” means the delivery of a firearm from a transferor to a transferee, including, but  
18 not limited to, the sale, gift, loan or lease of the firearm. “Transfer” does not include the temporary  
19 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is  
20 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and  
21 the provision occurs:

22        (A) At a shooting range, shooting gallery or other area designed for the purpose of target  
23 shooting, for use during target practice, a firearms safety or training course or class or a similar  
24 lawful activity;

25        (B) For the purpose of hunting, trapping or target shooting, during the time in which the  
26 transferee is engaged in activities related to hunting, trapping or target shooting;

27        (C) Under circumstances in which the transferee and the firearm are in the presence of the  
28 transferor;

29        (D) To a transferee who is in the business of repairing firearms, for the time during which the  
30 firearm is being repaired;

31        (E) To a transferee who is in the business of making or repairing custom accessories for  
32 firearms, for the time during which the accessories are being made or repaired; or

33        (F) For the purpose of preventing imminent death or serious physical injury, and the provision  
34 lasts only as long as is necessary to prevent the death or serious physical injury.

35        (b) “Transferee” means a person who is not a gun dealer or licensed as a manufacturer or  
36 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

37        (c) “Transferor” means a person who is not a gun dealer or licensed as a manufacturer or  
38 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

39        (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor  
40 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as  
41 described in subsection (3) of this section.

42        (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
43 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
44 transferee must appear in person before a gun dealer, with the firearm and, unless an exception  
45 described in subsection (6) of this section applies, a valid permit-to-purchase issued to the transferee



1 under section 4, chapter 1, Oregon Laws 2023, and request that the gun dealer perform a criminal  
2 background check on the transferee.

3 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may  
4 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated  
5 by the transferee, and the transferor need not appear before the gun dealer in person.

6 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request  
7 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with  
8 all requirements of federal law.

9 (d) If, upon completion of a criminal background check, the gun dealer:

10 (A) Receives a unique approval number from the Department of State Police indicating that the  
11 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the  
12 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

13 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
14 or receiving the firearm or that the department is unable to determine if the transferee is qualified  
15 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither  
16 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor  
17 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the  
18 gun dealer shall comply with federal law when returning the firearm to the transferor.

19 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this  
20 section.

21 **(f) A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**  
22 **only for the purchase or acquisition of the following firearms while the permit holder is un-**  
23 **der 21 years of age:**

24 **(A) A single-shot rifle, whether centerfire or rimfire;**

25 **(B) A double-barreled shotgun;**

26 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
27 **straight-pull or revolving action;**

28 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
29 **ing only with, 0.22 caliber rimfire ammunition;**

30 **(E) A muzzleloader rifle; or**

31 **(F) A shotgun with a pump, break, lever or revolving action.**

32 (4) The requirements of subsections (2) and (3) of this section do not apply to:

33 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement  
34 officer, private security professional or member of the Armed Forces of the United States, while that  
35 person is acting within the scope of official duties.

36 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law  
37 enforcement agency receives or purchases firearms from members of the public.

38 (c) The transfer of a firearm to:

39 (A) A transferor's spouse or domestic partner;

40 (B) A transferor's parent or stepparent;

41 (C) A transferor's child or stepchild;

42 (D) A transferor's sibling;

43 (E) A transferor's grandparent;

44 (F) A transferor's grandchild;

45 (G) A transferor's aunt or uncle;

1 (H) A transferor's first cousin;

2 (I) A transferor's niece or nephew; or

3 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
4 agraph.

5 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided  
6 that:

7 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
8 111.005, or a trustee of a trust created in a will; and

9 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph  
10 (c) of this subsection.

11 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class  
12 A misdemeanor.

13 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the  
14 requirements of this section commits a Class B felony if the transferor has a previous conviction  
15 under this section at the time of the offense.

16 (6) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023  
17 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if[.:]

18 [(a) *The transferee can demonstrate proof of completion of a firearm safety course as defined in*  
19 *section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:]*

20 [(A) *A single-shot rifle, whether centerfire or rimfire;*]

21 [(B) *A double-barreled shotgun;*]

22 [(C) *A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*  
23 *revolving action;*]

24 [(D) *A rifle with an attached tubular magazine designed to accept, and capable of operating only*  
25 *with, 0.22 caliber rimfire ammunition;*]

26 [(E) *A muzzleloader rifle; or*]

27 [(F) *A shotgun with a pump, break, lever or revolving action; or*]

28 [(b)] the transferee is:

29 [(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and  
30 presents valid identification and an identification number issued to the transferee by the Department  
31 of Public Safety Standards and Training; or

32 [(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS  
33 352.313 and presents valid identification.

34 **SECTION 19.** ORS 166.436, as amended by section 8, chapter 1, Oregon laws 2023, and sections  
35 8 and 14 of this 2023 Act, is amended to read:

36 166.436. (1) The Department of State Police shall make the telephone number established under  
37 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
38 sons who are not gun dealers and who are transferring firearms at gun shows.

39 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by  
40 telephone request that the department conduct a criminal background check on the recipient, verify,  
41 unless an exception described in ORS 166.438 (7) applies, that the transferee has a valid permit to  
42 purchase a firearm under section 4, chapter 1, Oregon Laws 2023, and provide the following infor-  
43 mation to the department:

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

45 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;

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

2 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;

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

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

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

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

12 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide  
13 the transferor with a unique approval number indicating that the recipient is qualified to complete  
14 the transfer. The unique approval number is an authorization valid for 24 hours for the requested  
15 transfer. If the firearm is not transferred from the transferor to the recipient within 24 hours after  
16 receipt of the unique approval number, a new request must be made by the transferor.

17 (b) If the department is unable to determine whether the recipient is qualified for or disqualified  
18 from completing the transfer within 30 minutes of receiving the request, the department shall notify  
19 the transferor and provide the transferor with an estimate of the time when the department will  
20 provide the requested information.

21 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval  
22 number from the department and, within 48 hours of the completed transfer, the transferor shall  
23 notify the department that the transfer was completed.

24 **(d) A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**  
25 **only for the purchase or acquisition of the following firearms while the permit holder is un-**  
26 **der 21 years of age:**

27 **(A) A single-shot rifle, whether centerfire or rimfire;**

28 **(B) A double-barreled shotgun;**

29 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
30 **straight-pull or revolving action;**

31 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
32 **ing only with, 0.22 caliber rimfire ammunition;**

33 **(E) A muzzleloader rifle; or**

34 **(F) A shotgun with a pump, break, lever or revolving action.**

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

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

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

42 (c) If the department determines that a recipient is prohibited from possessing a firearm under  
43 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient'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 recipient resides.

2 (d) If the department determines that, based on the judgment of conviction, the recipient is  
3 prohibited from possessing a firearm as a condition of probation or that the recipient is currently  
4 on post-prison supervision or parole, the department shall report the attempted transfer to the  
5 recipient'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 recipient 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 recipient 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 any action that was taken concerning the report and the  
18 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 recipients whom the department determined were prohibited from possessing  
22 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 this  
25 subsection, the number of investigations concluded and the number of investigations referred for  
26 prosecution, all arranged by category of prohibition; and

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

29 (6) The recipient of the firearm must be present when the transferor requests a criminal back-  
30 ground check under this section.

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

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

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

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

42 **SECTION 20.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, and sections  
43 9 and 15 of this 2023 Act, is amended to read:

44 166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-  
45 less the transferor:

1 (a)(A) Unless an exception described in subsection (7) of this section applies, verifies with the  
 2 Department of State Police that the recipient has a valid permit-to-purchase issued under section  
 3 4, chapter 1, Oregon Laws 2023;

4 (B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

5 (C) Receives a unique approval number from the department indicating that the recipient is  
 6 qualified to complete the transfer; and

7 (D) Has the recipient complete the form described in ORS 166.441; or

8 (b) Completes the transfer through a gun dealer.

9 (2)(a) The transferor shall retain the completed form referred to in subsection (1) of this section  
 10 for at least five years and shall make the completed form available to law enforcement agencies for  
 11 the purpose of criminal investigations.

12 **(b) A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**  
 13 **only for the purchase or acquisition of the following firearms while the permit holder is un-**  
 14 **der 21 years of age:**

15 **(A) A single-shot rifle, whether centerfire or rimfire;**

16 **(B) A double-barreled shotgun;**

17 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**  
 18 **straight-pull or revolving action;**

19 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**  
 20 **ing only with, 0.22 caliber rimfire ammunition;**

21 **(E) A muzzleloader rifle; or**

22 **(F) A shotgun with a pump, break, lever or revolving action.**

23 (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice  
 24 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the  
 25 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

26 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under  
 27 18 U.S.C. 923.

28 (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a  
 29 Class A misdemeanor.

30 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements  
 31 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous  
 32 convictions under this section at the time of the offense.

33 (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that  
 34 the person did not know, or reasonably could not know, that more than 25 firearms were at the site  
 35 and available for transfer.

36 (7) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023  
 37 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if[:]

38 *[(a) The recipient can demonstrate proof of completion of a firearm safety course as defined in*  
 39 *section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:]*

40 *[(A) A single-shot rifle, whether centerfire or rimfire;]*

41 *[(B) A double-barreled shotgun;]*

42 *[(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*  
 43 *revolving action;]*

44 *[(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*  
 45 *with, 0.22 caliber rimfire ammunition;]*

1 [(E) A muzzleloader rifle; or]

2 [(F) A shotgun with a pump, break, lever or revolving action; or]

3 [(b)] the recipient is:

4 [(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and  
5 presents valid identification and an identification number issued to the recipient by the Department  
6 of Public Safety Standards and Training; or

7 [(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS  
8 352.313 and presents valid identification.

9 **SECTION 21.** (1) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections  
10 17 to 20 of this 2023 Act become operative on July 1, 2026.

11 (2) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 17 to 20 of  
12 this 2023 Act apply to firearm transfers occurring on or after July 1, 2026.

13  
14 **MISCELLANEOUS PROVISIONS OF BALLOT MEASURE 114**

15  
16 **SECTION 22.** Section 13, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
17 to read:

18 **Sec. 13.** The provisions of [*this 2022 Act*] **chapter 1, Oregon Laws 2023 (Ballot Measure 114**  
19 **(2022))**, apply to all actions taken on or after [*the effective date of this 2022 Act*] **December 8,**  
20 **2022**, [*unless*] **except as** expressly stated otherwise [*herein*] **by law.** [*This 2022 Act may be known*  
21 *and cited as the Reduction of Gun Violence Act.*]

22  
23 **CHALLENGE TO LEGALITY OF ACT**

24  
25 **SECTION 23.** Any action challenging the legality, including the constitutionality, of this  
26 2023 Act must be commenced in the Circuit Court for Marion County.

27  
28 **CAPTIONS**

29  
30 **SECTION 24.** The unit captions used in this 2023 Act are provided only for the conven-  
31 ience of the reader and do not become part of the statutory law of this state or express any  
32 legislative intent in the enactment of this 2023 Act.

33  
34 **EMERGENCY CLAUSE**

35  
36 **SECTION 25.** This 2023 Act being necessary for the immediate preservation of the public  
37 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
38 on its passage.

39 \_\_\_\_\_