

Senate Bill 739

Sponsored by Senator THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts transferee who is certified participant in Address Confidentiality Program from private firearm transfer criminal background check requirement.

A BILL FOR AN ACT

1
2 Relating to an exception to the private firearm transfer criminal background check requirement for
3 participants in the Address Confidentiality Program; creating new provisions; and amending
4 ORS 166.435.

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

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

8 166.435. (1) As used in this section:

9 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, including, but
10 not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the temporary
11 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is
12 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and
13 the provision occurs:

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

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

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

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

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

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

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

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

31 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor

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 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as
2 described in subsection (3) of this section.

3 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except
4 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the
5 transferee must appear in person before a gun dealer, with the firearm and a valid permit-to-
6 purchase issued to the transferee under section 4, chapter 1, Oregon Laws 2023, and request that
7 the gun dealer perform a criminal background check on the transferee.

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

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

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

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

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

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

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

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

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

32 (c) The transfer of a firearm to:

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

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

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

36 (D) A transferor's sibling;

37 (E) A transferor's grandparent;

38 (F) A transferor's grandchild;

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

40 (H) A transferor's first cousin;

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

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

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

1 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
2 111.005, or a trustee of a trust created in a will; and

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

5 **(e) The transfer of a firearm to a transferee who is a certified participant in the Address**
6 **Confidentiality Program under ORS 192.820 to 192.868.**

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

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

12 **SECTION 2. The amendments to ORS 166.435 by section 1 of this 2023 Act apply to**
13 **firearm transfers occurring on or after the effective date of this 2023 Act.**

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