

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 348**

1 In line 2 of the printed bill, after “firearms” insert “; creating new pro-
2 visions; amending ORS 166.412, 166.435, 166.436 and 166.438 and sections 2,
3 3, 4, 5, 11 and 13, chapter 1, Oregon Laws 2023; repealing sections 1 and 10,
4 chapter 1, Oregon Laws 2023; and declaring an emergency”.

5 Delete lines 4 through 9 and insert:
6

7 **“PERMITTING PROCESS**
8

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10 **Measure 114 (2022)), is repealed.**

11 **“(2) Section 10, chapter 1, Oregon Laws 2023 (Ballot Measure 114**
12 **(2022)), is repealed.**

13 **“SECTION 2.** Section 2, chapter 1, Oregon Laws 2023 (Ballot Measure
14 114 (2022)), is amended to read:

15 **“Sec. 2.** *[The People of the State of Oregon find and declare that regu-*
16 *lation of sale, purchase and otherwise transferring of all firearms and re-*
17 *striction of the manufacture, import, sale, purchase, transfer, use and*
18 *possession of ammunition magazines to those that hold no more than 10 rounds*
19 *will promote the public health and safety of the residents of this state and this*
20 *Act]* **Chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)),** shall be
21 known as the Reduction of Gun Violence Act.

1 **“SECTION 3.** Section 3, chapter 1, Oregon Laws 2023 (Ballot Measure
2 114 (2022)), is amended to read:

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

6 “(1) ‘Criminal background check’ has the [*same meaning given to this*]
7 **meaning given that** term in ORS 166.432 [(1)(a) to (e)].

8 “(2) ‘Department’ means the Department of State Police.

9 “(3) ‘Gun dealer’ means a person engaged in the business, as defined in
10 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
11 the person is a retail dealer, pawnbroker or otherwise.

12 “(4) ‘Permit’ or ‘permit-to-purchase’ [*mean*] **means** an authorization issued
13 **under section 4, chapter 1, Oregon Laws 2023 (Ballot Measure 114**
14 **(2022))**, to a person to purchase or acquire a firearm, provided all other re-
15 quirements at the time of purchase or acquisition are met.

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

19 “(6) ‘Transfer’ has the meaning given that term in ORS 166.435 [(1)(a)].

20 “(7) ‘Transferor’ means a person who is not a gun dealer or licensed as
21 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
22 a firearm to a transferee.

23 **“SECTION 4.** Section 4, chapter 1, Oregon Laws 2023 (Ballot Measure
24 114 (2022)), is amended to read:

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

30 **“(A) An applicant whose residence is in an incorporated area may**

1 **apply for a permit to purchase a firearm to either the police chief of**
2 **the city in which the applicant resides or the county sheriff of the**
3 **county in which the applicant resides.**

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

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

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

11 **“(B) Has not, within the previous four years, been convicted of or**
12 **been found guilty except for insanity of a misdemeanor involving vi-**
13 **olence as defined in ORS 166.470;**

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

16 “[*B*] **(D)** Is not the subject of an order described in ORS 166.525 to
17 166.543;

18 “[*C*] **(E)** Does not present reasonable grounds for a permit agent to
19 conclude that the applicant has been or is reasonably likely to be a danger
20 to self or others, or to the community at large, as a result of the applicant’s
21 mental or psychological state or as demonstrated by the applicant’s past
22 pattern of behavior involving unlawful violence or threats of unlawful vi-
23 olence;

24 “[*D*] **(F)** Provides proof of completion of a firearm safety course as de-
25 fined in subsection (8) of this section; and

26 “[*E*] **(G)** Pays the fee described in [*paragraph (b) of*] subsection (3)**(b)**
27 of this section.

28 “(c) An application for a permit under this section must state the
29 applicant’s legal name, current address and telephone number, date and place
30 of birth, physical description[,] and any additional information determined

1 necessary by Department **of State Police** rules. The application must be
2 signed by the applicant in front of the permit agent.

3 “(d) The permit agent shall verify the applicant’s identity with a
4 government-issued form of identification bearing a photograph of the appli-
5 cant. **Immediately upon acceptance of the application, the permit agent**
6 **shall enter the applicant’s name into the Law Enforcement Data Sys-**
7 **tem and indicate that the person is an applicant for a permit.**

8 “(e) The applicant must submit to fingerprinting and photographing by
9 the permit agent. The permit agent shall fingerprint and photograph the ap-
10 plicant and shall conduct *[any]* **an** investigation necessary to determine
11 whether the applicant meets the qualifications described in paragraph (b) of
12 this *[section]* **subsection.**

13 “(f) The permit agent shall request the department to conduct a criminal
14 background check, including but not limited to a fingerprint identification,
15 **first through state databases and then** through the Federal Bureau of
16 Investigation. The **department shall ensure that the** Federal Bureau of
17 Investigation *[shall return]* **returns** the fingerprint cards used to conduct the
18 criminal background check and *[may]* **does** not keep any record of the fin-
19 gerprints. Upon completion of the criminal background check and determi-
20 nation of whether the permit applicant is qualified or disqualified from
21 **possessing**, purchasing or otherwise acquiring a firearm, the department
22 shall report the results¹, *including the outcome of the fingerprint-based crim-*
23 *inal background check,* **in writing** to the permit agent. **The results shall**
24 **consist of an indication that either the applicant is qualified or that**
25 **the applicant is disqualified and the reason for the disqualification,**
26 **and the outcome of the fingerprint-based criminal background check.**

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

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

2 “(A) [A *purchaser*] **An applicant** is prohibited from possessing a firearm
3 under ORS 166.250 (1)(c), the department shall report the attempted applica-
4 tion for a permit, the [*purchaser’s*] **applicant’s** name and any other per-
5 sonally identifiable information to all federal, state and local law
6 enforcement agencies and district attorneys that have jurisdiction over the
7 location or locations where the attempted application for a permit was made
8 and where the permit applicant resides.[;]

9 “(B) Based on the judgment of conviction, the permit applicant is pro-
10 hibited from possessing a firearm as a condition of probation or that the
11 permit applicant is currently on post-prison supervision or parole, the de-
12 partment shall report the attempted application for a permit to the permit
13 applicant’s supervising officer and the district attorney of the county in
14 which the conviction occurred.

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

18 “(D) The permit applicant is under the jurisdiction of the Psychiatric
19 Security Review Board, the department shall report the attempted applica-
20 tion for a permit to the board.

21 “(b) Reports required by [*paragraphs (A) to (D) of subsection (2)(a)*] **par-**
22 **agraph (a) of this subsection** shall be made within 24 hours after the de-
23 termination is made, unless a report would compromise an ongoing
24 investigation, in which case the report may be delayed as long as necessary
25 to avoid compromising the investigation.

26 “(c) On or before January 31 of each year, beginning in 2024, the depart-
27 ment shall annually publish a report indicating for each county the number
28 of applications made to any permit agent, the number of permits-to-purchase
29 issued and the number of permits-to-purchase denied and the reasons for de-
30 nial. [*The department may, by rule, include any additional information that*

1 *it determines would be helpful to ensuring the permit-to-purchase process is*
2 *being administered in a consistent and equitable manner.]* **The report shall**
3 **additionally specify, for each county, racial and gender information**
4 **concerning each applicant within the total number of permits granted,**
5 **denied and the reason for denial to support the consistent and equi-**
6 **table administration of the permitting process. The report may not**
7 **include any information that personally identifies an individual appli-**
8 **cant. The department may adopt rules relating to the information**
9 **needed from permit agents for the purposes of creating the annual**
10 **report.**

11 “(3)(a) Within [30] **60** days of receiving an application for a permit under
12 this section, if the permit agent has verified the applicant’s identity and de-
13 termined that the applicant has met each of the qualifications described in
14 [*paragraph*] **subsection** (1)(b) of this section, the permit agent shall issue the
15 permit-to-purchase.

16 “(b) The permit agent may charge a reasonable fee reflecting the actual
17 cost of the process but shall not exceed [~~\$65~~] **\$150**, including the cost of fin-
18 gerprinting, photographing and obtaining a criminal background check. **The**
19 **portion of the fee payable to the department for conducting the state**
20 **and federal criminal background check shall be established by the de-**
21 **partment and may not to exceed \$48.**

22 “(4)(a) The department shall develop:

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

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

26 “(b) The issuing permit agent shall maintain a copy of each permit issued
27 under this section **and shall enter the name of the permit holder into**
28 **the Law Enforcement Data System and indicate that the person is a**
29 **permit holder.**

30 “(c) The person named in a permit shall:

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

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

4 “(5)(a) The permit agent shall report the issuance of a permit under this
5 section to the department[,] and shall provide to the department a copy of
6 the permit and any information necessary for the department to maintain an
7 electronic searchable database of all permits issued under this section. A
8 permit agent revoking a permit shall report the revocation to the department
9 at the time that notice of the revocation has been sent to the permit holder.

10 “(b) The department shall maintain the electronic database described in
11 paragraph (a) of this subsection by ensuring that new permits are added to
12 the database, renewed permits are assigned a new expiration date[,] and ex-
13 pired or revoked permits are marked expired or revoked but retained in the
14 database.

15 **“(c) The record of information obtained during the permit applica-
16 tion process provided to the department or during the processing of a
17 criminal background check by the department, and the information
18 contained in the database described in this subsection, is exempt from
19 disclosure as a public record under ORS 192.311 to 192.478.**

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

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

26 **“(c) A permit-to-purchase issued under this section is valid only for
27 the purchase or acquisition of the following firearms while the permit
28 holder is under 21 years of age:**

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

30 **“(B) A double-barreled shotgun;**

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

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

5 “(E) A muzzleloader rifle; or

6 “(F) A shotgun with a pump, break, lever or revolving action.

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

10 “(b) A person may renew an unexpired permit issued under this section
11 by repeating the procedures set forth in subsection (1) of this section, except:

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

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

18 “(c) The permit agent may charge a reasonable fee for renewal of the
19 permit, reflecting the actual cost of the process but shall not exceed [~~\$50~~]
20 **\$110**, including the cost of obtaining a criminal background check and pho-
21 tographing. **The portion of the fee payable to the department for con-**
22 **ducting the state and federal criminal background check shall be**
23 **established by the department and may not to exceed \$48.**

24 “(8)(a) As used in this section, ‘proof of completion of a firearm safety
25 course’ means the following:

26 “[(a)] **(A)** Proof of completion of any firearms training course or class
27 available to the general public that is offered by law enforcement, a com-
28 munity college, [*or*] a private or public institution or **an** organization or
29 firearms training school utilizing instructors [*certified*] **approved** by a law
30 enforcement agency, and that includes the components [*set forth*] **described**

1 in paragraph [(c)] (b) of this subsection; [or]

2 “[*(b) Proof of completion of any law enforcement firearms training course*
3 *or class that is offered for security guards, investigators, reserve law enforce-*
4 *ment officers, or any other law enforcement officers, and that includes the*
5 *components set forth in paragraph (c) of this subsection;*]

6 **“(B) Proof of completion of a training course or class for a con-**
7 **cealed handgun license issued under ORS 166.291 and 166.292, provided**
8 **that the course includes all of the components described in paragraph**
9 **(b) of this subsection;**

10 **“(C) Prior or current certification as a police officer, corrections**
11 **officer or armed parole and probation officer, as those terms are de-**
12 **defined in ORS 181A.355 or a federal officer as defined in ORS 133.005;**

13 **“(D) Certification as an instructor approved by the National Rifle**
14 **Association;**

15 **“(E) Proof of qualification with a pistol, rifle or other small arms**
16 **while serving in the Armed Forces of the United States as defined in**
17 **ORS 352.313, as documented on a federal DD Form 214 (Certificate of**
18 **Release or Discharge from Active Duty), if the qualification occurred**
19 **within the 10 years prior to the date of application for issuance of the**
20 **permit; or**

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

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

25 **“(A) Review of federal and state laws in place at the time of the class and**
26 **other safe practices related to ownership, purchase, transfer, use and trans-**
27 **portation of firearms;**

28 **“(B) Review of federal and state safe storage laws in place at the time**
29 **of the class and other safe practices related to safe storage, including re-**
30 **porting lost and stolen guns;**

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

4 “(D) In-person demonstration of the applicant’s ability to lock, load, un-
5 load, fire and store a firearm before an instructor [*certified*] **approved** by a
6 law enforcement agency. This requirement may be met separately from the
7 other course requirements in subparagraphs (A), (B) and (C) of **this** para-
8 graph [*(c)*], which may be completed in an [*on-line*] **online** course, provided
9 the [*on-line*] **online** course has been conducted by [*a trainer certified*] **an**
10 **instructor approved by a law enforcement agency.**

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

14 “[*(d) Proof of successful completion of a training course in order to meet*
15 *the requirements for a concealed handgun license issued under ORS 166.291*
16 *and 166.292 may be submitted for a permit as a substitute for the requirements*
17 *in paragraph (c) of this subsection, provided the completed course included*
18 *each of the components set forth in paragraph (c) of this subsection.*]

19 “**(d)(A) As used in this subsection, ‘instructor approved by a law**
20 **enforcement agency’ means an instructor who has written certifica-**
21 **tion from an Oregon law enforcement agency to provide firearms**
22 **training or who is currently approved to provide the firearms training**
23 **required for an Oregon concealed handgun license under ORS 166.291.**

24 “**(B) A law enforcement agency, the political subdivision governing**
25 **the law enforcement agency and their officers, employees and agents**
26 **are not civilly liable for the actions or inactions of an approved trainer**
27 **if the law enforcement agency acted in good faith providing the ap-**
28 **proval.**

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

1 **“SECTION 5.** Section 5, chapter 1, Oregon Laws 2023 (Ballot Measure
2 114 (2022)), is amended to read:

3 **“Sec. 5.** (1) If [*the*] **an** application for [*the*] **a** permit-to-purchase is denied,
4 the permit agent shall set forth in writing the reasons for the denial. The
5 denial shall be placed in the mail to the applicant by certified mail, re-
6 stricted delivery, within [30] **60** days after the application was made. If no
7 decision is issued within [30] **60** days **and the 60th day occurs on or after**
8 **January 1, 2024**, the person may seek review under the procedures **de-**
9 **scribed** in subsection [(5)] **(6)** of this section.

10 “(2) Notwithstanding [*subsections (1) to (3) of section 4 of this 2022 Act*]
11 **section 4 (1) to (3), chapter 1, Oregon Laws 2023 (Ballot Measure 114**
12 **(2022))**, and subject to review as provided in subsection [(5)] **(6)** of this sec-
13 tion, a permit agent may deny a permit-to-purchase if the permit agent has
14 reasonable grounds to believe that the applicant has been or is reasonably
15 likely to be a danger to self or others, or to the community at large, as a
16 result of the applicant’s mental or psychological state or as demonstrated
17 by the applicant’s past pattern of behavior involving unlawful violence or
18 threats of unlawful violence.

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

21 “(b) A permit agent may revoke a permit by serving on the permittee a
22 notice of revocation. The notice must contain the grounds for the revocation
23 and must be served either personally or by certified mail, restricted delivery.
24 The notice and return of service shall be included in the file of the permit
25 holder. The revocation is effective upon the permit holder’s receipt of the
26 notice.

27 “(4) **No civil or criminal liability shall attach to a permit agent, the**
28 **Department of State Police or any authorized representative of a per-**
29 **mit agent or the department for receiving, reviewing or conducting**
30 **an investigation connected with an application for, or the issuance,**

1 **denial, revocation or refusal to renew, a firearm permit under this**
2 **section or section 4, chapter 1, Oregon Laws 2023 (Ballot Measure 114**
3 **(2022)), if the action is pursuant to or results from the lawful per-**
4 **formance of official duties described in this section and section 4,**
5 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)).**

6 “[4] (5) Any peace officer or corrections officer may seize a permit-to-
7 purchase and return it to the issuing permit agent if the permit is held by
8 a person who has been arrested or cited for a crime that can or would oth-
9 erwise disqualify the person from being issued a permit. The issuing permit
10 agent shall hold the permit for 30 days. If the person is not charged with a
11 crime within the 30 days, the permit agent shall return the permit unless the
12 permit agent revokes the permit as provided in subsection (3) of this section.

13 “[5] (6) A person denied a permit-to-purchase or whose permit is revoked
14 or *[not renewed]* **denied renewal** may petition the circuit court in the
15 petitioner’s county of residence to review the denial[, *nonrenewal*] or revo-
16 cation. The petition must be filed within 30 days after the receipt of the
17 notice of the denial or revocation.

18 “[6] (7) *[The]* A judgment affirming or overturning *[the]* a permit agent’s
19 decision shall be based on whether the petitioner meets the criteria that are
20 used for issuance of a permit-to-purchase and, if the petitioner was denied a
21 permit, whether the permit agent has reasonable grounds for denial under
22 subsection (2) of this section. Whenever the petitioner has been previously
23 sentenced for a crime under ORS 161.610 [*Enhanced penalty for use of*
24 *firearm during commission of felony*] or for a crime of violence for which the
25 person could have received a sentence of more than 10 years, the court shall
26 grant relief only if the court finds that relief should be granted in the in-
27 terest of justice.

28 “[7] (8) Notwithstanding the provisions of ORS 9.320 [*Necessity for em-*
29 *ployment of attorney*], a party that is not a natural person, the state or any
30 city, county, district or other political subdivision or public corporation in

1 this state, without appearance by attorney, may appear as a party to an
2 action under this section.

3 “[8] (9) Petitions filed under this section shall be heard and disposed of
4 within 15 judicial days of filing or as soon as practicable thereafter.

5 “[9] (10) Filing fees for actions **described in this section** shall be as
6 for any civil action filed in the court. If the petitioner prevails, the amount
7 of the filing fee shall be paid by the respondent to the petitioner and may
8 be incorporated into the court order.

9 “[10] (11) Initial appeals of petitions shall be heard de novo.

10 “[11] (12) Any party to a judgment under this section may appeal to the
11 Court of Appeals in the same manner as for any other civil action.

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

15

16 **“TRANSFERS OCCURRING BEFORE JULY 1, 2024**

17

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

20 “166.412. (1) As used in this section:

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

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

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

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

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

29 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
30 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether

1 the person is a retail dealer, pawnbroker or otherwise; and

2 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a
3 firearm from a gun dealer.

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

6 “(a) The purchaser shall present to the gun dealer current identification
7 meeting the requirements of subsection (4) of this section and, **for transfers**
8 **occurring on or after July 1, 2024**, a valid permit issued under section 4
9 *[of this 2022 Act]*, **chapter 1, Oregon Laws 2023**.

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

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

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

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

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

24 “(C) The place of transfer;

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

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

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

29 “(G) The Social Security number of the purchaser if the purchaser vol-
30 untarily provides this number to the gun dealer; and

1 “(H) The type, issuer and identification number of the identification pre-
2 sented by the purchaser.

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

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

8 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
9 record check, the department shall immediately, during the gun dealer’s
10 telephone call or by return call:

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

14 “(B) Notify the gun dealer when a purchaser is disqualified from com-
15 pleting the transfer or provide the gun dealer with a unique approval number
16 indicating that the purchaser is qualified to complete the transfer.

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

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

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

25 “(B) **Seventy-two hours has elapsed since receipt of the unique ap-
26 proval number.**

27 “(d) Within 48 hours of completing the transfer, the dealer shall notify
28 the [*state*] **department** that the transfer [*to the permit holder*] was com-
29 pleted.

30 “(4)(a) Identification required of the purchaser under subsection (2) of this

1 section shall include one piece of current identification bearing a photograph
2 and the date of birth of the purchaser that:

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

7 “(B) Is intended to be used for identification of an individual or is com-
8 monly accepted for the purpose of identification of an individual.

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

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

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

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

25 “(7)(a) The department may retain a record of the information obtained
26 during a request for a criminal history record check for no more than five
27 years[, *except for the information provided to the dealer under subsection (2)(d)*
28 *of this section, sufficient to reflect each firearm purchased by a permit holder,*
29 *which must be attached to the electronic record of the permit stored by the*
30 *department. The department may develop a system for removal of the informa-*

1 *tion in subsection (2)(d)(E) of this section, upon proof of sale or transfer of the*
2 *firearm to another permit holder and for recording of the information to reflect*
3 *the transfer of ownership to the permit of the new owner*].

4 “(b) The record of the information obtained during a request for a crimi-
5 nal history record check by a gun dealer is exempt from disclosure under
6 public records law.

7 “(c) If the department determines that a purchaser is prohibited from
8 possessing a firearm under ORS 166.250 (1)(c), the department shall report
9 the attempted transfer, the purchaser’s name and any other personally iden-
10 tifiable information to all federal, state and local law enforcement agencies
11 and district attorneys that have jurisdiction over the location or locations
12 where the attempted transfer was made and where the purchaser resides.

13 “(d) If the department determines that, based on the judgment of con-
14 viction, the purchaser is prohibited from possessing a firearm as a condition
15 of probation or that the purchaser is currently on post-prison supervision or
16 parole, the department shall report the attempted transfer to the purchaser’s
17 supervising officer and the district attorney of the county in which the con-
18 viction occurred.

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

23 “(f) If the department determines that the purchaser is under the juris-
24 diction of the Psychiatric Security Review Board, the department shall re-
25 port the attempted transfer to the board.

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

30 “(h) On or before January 31 of each year, a law enforcement agency or

1 a prosecuting attorney's office that received a report pursuant to paragraph
2 (c) of this subsection during the previous calendar year shall inform the de-
3 partment of any action that was taken concerning the report and the out-
4 come of the action.

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

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

11 "(B) The number of reports made pursuant to paragraph (c) of this sub-
12 section;

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

17 "(D) The number of criminal charges arising from the reports made pur-
18 suant to paragraph (c) of this subsection and the disposition of the charges,
19 both arranged by category of prohibition.

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

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

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

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

28 "(b) The maintenance of a procedure to correct errors in the criminal re-
29 cords of the department;

30 "(c) The provision of a security system to identify gun dealers that re-

1 quest a criminal history record check under subsection (2) of this section;
2 and

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

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

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

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

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

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

17 “(B) **Receives a unique approval number from the department indi-**
18 **cating successful completion of the criminal background check;**

19 “(C) **Allows 72 hours to elapse between receipt of the unique ap-**
20 **proval number and transfer of the firearm; and**

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

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

30 “(b) **For transfers occurring on or after July 1, 2024, knowingly**

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

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

9 “166.435. (1) As used in this section:

10 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
11 transferee, including, but not limited to, the sale, gift, loan or lease of the
12 firearm. ‘Transfer’ does not include the temporary provision of a firearm to
13 a transferee if the transferor has no reason to believe the transferee is pro-
14 hibited from possessing a firearm or intends to use the firearm in the com-
15 mission of a crime, and the provision occurs:

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

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

22 “(C) Under circumstances in which the transferee and the firearm are in
23 the presence of the transferor;

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

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

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

1 death or serious physical injury.

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

5 “(c) ‘Transferor’ means a person who is not a gun dealer or licensed as
6 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
7 a firearm to a transferee.

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

12 “(3)(a) A transferor may transfer a firearm to a transferee only as pro-
13 vided in this section. Except as provided in paragraph (b) of this subsection,
14 prior to the transfer both the transferor and the transferee must appear in
15 person before a gun dealer, with the firearm and, **for transfers occurring**
16 **on or after July 1, 2024**, a valid permit-to-purchase issued to the transferee
17 under section 4, chapter 1, Oregon Laws 2023, and request that the gun
18 dealer perform a criminal background check on the transferee.

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

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

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

28 “(A) Receives a unique approval number from the Department of State
29 Police indicating that the transferee is qualified to complete the transfer, the
30 gun dealer shall notify the transferor, enter the firearm into the gun dealer’s

1 inventory and transfer the firearm to the transferee.

2 “(B) Receives notification that the transferee is prohibited by state or
3 federal law from possessing or receiving the firearm or that the department
4 is unable to determine if the transferee is qualified or disqualified from
5 completing the transfer, the gun dealer shall notify the transferor and nei-
6 ther the transferor nor the gun dealer shall transfer the firearm to the
7 transferee. If the transferor shipped or delivered the firearm to the gun
8 dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
9 comply with federal law when returning the firearm to the transferor.

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

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

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

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

21 “(c) The transfer of a firearm to:

22 “(A) A transferor’s spouse or domestic partner;

23 “(B) A transferor’s parent or stepparent;

24 “(C) A transferor’s child or stepchild;

25 “(D) A transferor’s sibling;

26 “(E) A transferor’s grandparent;

27 “(F) A transferor’s grandchild;

28 “(G) A transferor’s aunt or uncle;

29 “(H) A transferor’s first cousin;

30 “(I) A transferor’s niece or nephew; or

1 “(J) The spouse or domestic partner of a person specified in subpara-
2 graphs (B) to (I) of this paragraph.

3 “(d) The transfer of a firearm that occurs because of the death of the
4 firearm owner, provided that:

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

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

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

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

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

17 “166.436. (1) The Department of State Police shall make the telephone
18 number established under ORS 166.412 (5) available for requests for criminal
19 background checks under this section from persons who are not gun dealers
20 and who are transferring firearms at gun shows.

21 “(2) Prior to transferring a firearm at a gun show, a transferor who is
22 not a gun dealer shall by telephone **request that the department conduct**
23 **a criminal background check on the recipient,** verify, **for transfers oc-**
24 **curring on or after July 1, 2024,** that the transferee has a valid [*permit-*
25 *to-purchase*] **permit to purchase** a firearm under section 4, chapter 1,
26 Oregon Laws 2023, and [*request that the department conduct a criminal back-*
27 *ground check on the recipient upon providing*] **provide** the following infor-
28 mation to the department:

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

30 “(b) The make, model, caliber and manufacturer’s number of the firearm

1 being transferred;

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

3 “(d) The Social Security number of the recipient if the recipient volun-
4 tarily provides that number;

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

6 “(f) The type, issuer and identification number of a current piece of
7 identification bearing a recent photograph of the recipient presented by the
8 recipient. The identification presented by the recipient must meet the re-
9 quirements of ORS 166.412 (4)(a).

10 “(3)(a) Upon receipt of a request for a criminal background check under
11 this section, the department shall immediately, during the telephone call or
12 by return call:

13 “(A) Determine from criminal records and other information available to
14 it whether the recipient is disqualified under ORS 166.470 from completing
15 the transfer or is otherwise prohibited by state or federal law from possess-
16 ing a firearm; and

17 “(B) Notify the transferor when a recipient is disqualified from complet-
18 ing the transfer or provide the transferor with a unique approval number
19 indicating that the recipient is qualified to complete the transfer. The unique
20 approval number is [*a permit*] **an authorization** valid for 24 hours for the
21 requested transfer. If the firearm is not transferred from the transferor to the
22 recipient within 24 hours after receipt of the unique approval number, a new
23 request must be made by the transferor.

24 “(b) If the department is unable to determine whether the recipient is
25 qualified for or disqualified from completing the transfer within 30 minutes
26 of receiving the request, the department shall notify the transferor and pro-
27 vide the transferor with an estimate of the time when the department will
28 provide the requested information.

29 “(c) The transferor may not transfer the firearm unless the transferor
30 receives a unique approval number from the department and, within 48 hours

1 of the completed transfer, the transferor shall notify the [state] **department**
2 that the transfer [to the permit holder] was completed.

3 “(4) A public employee or public agency incurs no criminal or civil li-
4 ability for performing the criminal background checks required by this sec-
5 tion, provided the employee or agency acts in good faith and without malice.

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

10 “(b) The record of the information obtained during a request for a crimi-
11 nal background check under this section is exempt from disclosure under
12 public records law.

13 “(c) If the department determines that a recipient is prohibited from pos-
14 sessing a firearm under ORS 166.250 (1)(c), the department shall report the
15 attempted transfer, the recipient’s name and any other personally identifiable
16 information to all federal, state and local law enforcement agencies and
17 district attorneys that have jurisdiction over the location or locations where
18 the attempted transfer was made and where the recipient resides.

19 “(d) If the department determines that, based on the judgment of con-
20 viction, the recipient is prohibited from possessing a firearm as a condition
21 of probation or that the recipient is currently on post-prison supervision or
22 parole, the department shall report the attempted transfer to the recipient’s
23 supervising officer and the district attorney of the county in which the con-
24 viction occurred.

25 “(e) If the department determines that the recipient is prohibited from
26 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
27 department shall report the attempted transfer to the court that issued the
28 order.

29 “(f) If the department determines that the recipient is under the jurisdic-
30 tion of the Psychiatric Security Review Board, the department shall report

1 the attempted transfer to the board.

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

6 “(h) On or before January 31 of each year, a law enforcement agency or
7 a prosecuting attorney’s office that received a report pursuant to paragraph
8 (c) of this subsection during the previous calendar year shall inform the de-
9 partment of any action that was taken concerning the report and the out-
10 come of the action.

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

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

17 “(B) The number of reports made pursuant to paragraph (c) of this sub-
18 section;

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

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

26 “(6) The recipient of the firearm must be present when the transferor re-
27 quests a criminal background check under this section.

28 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection,
29 a transferor who receives notification under this section that the recipient
30 is qualified to complete the transfer of a firearm, has the recipient fill out

1 the form required by ORS 166.438 (1)(a) and retains the form as required by
2 ORS 166.438 (2) is immune from civil liability for any use of the firearm from
3 the time of the transfer unless the transferor knows, or reasonably should
4 know, that the recipient is likely to commit an unlawful act involving the
5 firearm.

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

8 “(A) If the transferor knows, or reasonably should know, that the recipi-
9 ent of the firearm intends to deliver the firearm to a third person who the
10 transferor knows, or reasonably should know, may not lawfully possess the
11 firearm; or

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

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

15 “166.438. (1) A transferor who is not a gun dealer may not transfer a
16 firearm at a gun show unless the transferor:

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

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

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

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

25 “(b) Completes the transfer through a gun dealer.

26 “(2) The transferor shall retain the completed form referred to in sub-
27 section (1) of this section for at least five years and shall make the completed
28 form available to law enforcement agencies for the purpose of criminal in-
29 vestigations.

30 “(3) A person who organizes a gun show shall post in a prominent place

1 at the gun show a notice explaining the requirements of subsections (1) and
2 (2) of this section. The person shall provide the form required by subsection
3 (1) of this section to any person transferring a firearm at the gun show.

4 “(4) Subsection (1) of this section does not apply if the transferee is li-
5 censed as a dealer under 18 U.S.C. 923.

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

8 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply
9 with the requirements of subsection (1), (2) or (3) of this section is a Class
10 C felony if the person has two or more previous convictions under this sec-
11 tion at the time of the offense.

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

15 **“SECTION 10. Nothing in the amendments to ORS 166.412, 166.435,**
16 **166.436 or 166.438 by sections 6 to 9 of this 2023 Act is intended to delay**
17 **or prevent the development of the process for issuing permits to pur-**
18 **chase firearms under section 3 to 5, chapter 1, Oregon Laws 2023**
19 **(Ballot Measure 114 (2022)).**

20

21 “LARGE-CAPACITY MAGAZINES

22

23 **“SECTION 11.** Section 11, chapter 1, Oregon Laws 2023 (Ballot Measure
24 114 (2022)), is amended to read:

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

26 “(a) ‘Armed Forces of the United States’ has the meaning given that term
27 in ORS [348.282] **352.313.**

28 “(b) ‘Detachable magazine’ means an ammunition feeding device that can
29 be loaded or unloaded while detached from a firearm and readily inserted in
30 a firearm.[;]

1 “(c) ‘Fixed magazine’ means an ammunition feeding device contained in
2 or permanently attached to a firearm in such a manner that the device can-
3 not be removed without disassembly of the firearm action.[;]

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

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

14 “(B) An attached tubular device designed to accept, and capable of oper-
15 ating only with, 0.22 caliber rimfire ammunition; or

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

18 “(e) ‘Loaded’ has the meaning given that term in ORS 166.360.[;]

19 “(f) ‘Person’ means any natural person, corporation, partnership, [*fire*]
20 **firm** or association.

21 “(2) Notwithstanding ORS 166.250 to 166.470, and except as expressly
22 provided in subsections (3) to (5) of this section, a person commits the crime
23 of unlawful manufacture, importation, possession, use, purchase, sale or
24 otherwise transferring of large-capacity magazines if the person manufac-
25 tures, imports, possesses, uses, purchases, sells or otherwise transfers any
26 large-capacity magazine in Oregon on or after [*the effective date of this 2022*
27 *Act*] **December 8, 2022**.

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

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

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

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

9 “(C) Permanently alters any large-capacity magazine in the gun dealer’s
10 inventory or custody so that it is not capable, upon alteration or in the fu-
11 ture, of accepting more than 10 rounds of ammunition or permanently alter
12 the magazine so it is no longer a **large-capacity magazine**; or

13 “(D) Permanently disposes of the large-capacity magazines in the gun
14 dealer’s custody or inventory.

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

19 “(A) All manufacturing is completed no later than 180 days after [*the ef-*
20 *fective date of this 2022 Act*] **December 8, 2022**; and

21 “(B) The entity outside of Oregon receiving the large-capacity magazines
22 is made aware in writing on or before the delivery of the ammunition devices
23 of the restrictions pertaining to large-capacity magazines in this state as set
24 forth in [*this 2022 Act*] **chapter 1, Oregon Laws 2023 (Ballot Measure 114**
25 **(2022))**.

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

27 “(a) A firearms manufacturer properly licensed under federal, state and
28 local law that manufactures large-capacity magazines, provided:

29 “(A) The manufacturing is for exclusive sale or transfer to the Armed
30 Forces of the United States or a law enforcement agency and solely for au-

1 thORIZED use by that entity related to the official duties of the entity; and
2 “(B) Any large-capacity magazine, permitted to be manufactured under
3 paragraph (a)(A) of this subsection after [*the effective date of this 2022 Act*]
4 **December 8, 2022**, shall include a permanent stamp or marking indicating
5 that the large-capacity magazine was manufactured or assembled after [*the*
6 *effective date of this 2022 Act*] **December 8, 2022**. The stamp or marking must
7 be legibly and conspicuously engraved or cast upon the outer surface of the
8 large-capacity magazine. The Department of State Police may promulgate
9 such rules as may be necessary for the implementation of this section, in-
10 cluding but not limited to rules requiring such large-capacity magazine be
11 stamped with information indicating the limitation for use only by military
12 and law enforcement or such other identification to distinguish clearly
13 large-capacity magazines manufactured after [*the effective date of this 2022*
14 *Act*] **December 8, 2022**. Except as provided in [*paragraph*] **subsection** (3)(b)
15 of this section, no large-capacity magazines without such stamp may be
16 manufactured in this state after [*the effective date of this Act*] **December 8,**
17 **2022**.

18 “(b) A licensed gun dealer that sells or otherwise transfers large-capacity
19 magazines to the Armed Forces of the United States or a law enforcement
20 agency solely for authorized use by that entity, provided the large-capacity
21 magazines have been engraved as provided in paragraph (a)(B) of this sub-
22 section.

23 “(c) Any government officer, agent or employee, member of the Armed
24 Forces of the United States or peace officer, as that term is defined in ORS
25 133.005, that is authorized to acquire, possess or use a large-capacity maga-
26 zine provided that any acquisition, possession or use is related [*directly*] to
27 activities within the scope of that person’s official duties.

28 “(5) [*As of the effective date of this 2022 Act, it shall be*] **It is** an affirma-
29 tive defense, as provided in ORS [*166.055*] **161.055**, to the unlawful possession,
30 use and transfer of a large-capacity magazine in this state by any person[

1 *provided*] that:

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

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

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

12 “[*A*] (i) On property owned or immediately controlled by the
13 [*registered*] owner;

14 “[*B*] (ii) On the premises of a gun dealer or gunsmith licensed under 18
15 U.S.C. 923 for the purpose of lawful service or repair;

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

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

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

28 “[*d*] (6) **It is an affirmative defense, as provided in ORS 161.055, to**
29 **the unlawful possession, use and transfer of a large-capacity magazine**
30 **in this state by any person that** the person has permanently and volun-

1 tarily relinquished the large-capacity magazine to law enforcement, or to a
2 buyback or turn-in program approved by law enforcement, prior to **the** com-
3 mencement of prosecution **for the possession, use or transfer** by arrest,
4 citation or a formal charge.

5 “[~~(6)~~] (7) Unlawful manufacture, importation, possession, use, purchase,
6 sale or otherwise transferring of a large-capacity magazine is a [~~class~~] **Class**
7 A misdemeanor.

8

9 **“TRANSFERS OCCURRING ON OR AFTER JULY 1, 2024**

10

11 **“SECTION 12.** ORS 166.412, as amended by section 6, chapter 1, Oregon
12 Laws 2023, and section 6 of this 2023 Act, is amended 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
17 that it does not include an antique firearm;

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

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

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

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

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

29 “(a) The purchaser shall present to the gun dealer current identification
30 meeting the requirements of subsection (4) of this section and, [*for transfers*

1 *occurring on or after July 1, 2024*] **unless an exception described in sub-**
2 **section (15) of this section applies**, a valid permit issued under section 4,
3 chapter 1, Oregon Laws 2023.

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

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

9 “(d) The gun dealer shall, by telephone or computer, request that the de-
10 partment conduct a criminal background check on the purchaser, verify, [*for*
11 *transfers occurring on or after July 1, 2024*] **unless an exception described**
12 **in subsection (15) of this section applies**, that the purchaser has a valid
13 permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws
14 2023, and provide the following information to the department:

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

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

17 “(C) The place of transfer;

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

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

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

22 “(G) The Social Security number of the purchaser if the purchaser vol-
23 untarily provides this number to the gun dealer; and

24 “(H) The type, issuer and identification number of the identification pre-
25 sented by the purchaser.

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

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

1 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
2 record check, the department shall immediately, during the gun dealer’s
3 telephone call or by return call:

4 “(A) Determine, from criminal records and other information available to
5 it, whether the purchaser is disqualified under ORS 166.470 from completing
6 the purchase; and

7 “(B) Notify the gun dealer when a purchaser is disqualified from com-
8 pleting the transfer or provide the gun dealer with a unique approval number
9 indicating that the purchaser is qualified to complete the transfer.

10 “(b) If the department is unable to determine within 30 minutes if the
11 purchaser is qualified or disqualified from completing the transfer, the de-
12 partment shall notify the gun dealer and provide the gun dealer with an es-
13 timate of the time when the department will provide the requested
14 information.

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

16 “(A) The dealer receives a unique approval number from the department;
17 and

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

20 “(d) Within 48 hours of completing the transfer, the dealer shall notify
21 the department that the transfer was completed.

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

25 “(A) Is issued under the authority of the United States Government, a
26 state, a political subdivision of a state, a foreign government, a political
27 subdivision of a foreign government, an international governmental organ-
28 ization or an international quasi-governmental organization; and

29 “(B) Is intended to be used for identification of an individual or is com-
30 monly accepted for the purpose of identification of an individual.

1 “(b) If the identification presented by the purchaser under paragraph (a)
2 of this subsection does not include the current address of the purchaser, the
3 purchaser shall present a second piece of current identification that contains
4 the current address of the purchaser. The Superintendent of State Police may
5 specify by rule the type of identification that may be presented under this
6 paragraph.

7 “(c) The department may require that the gun dealer verify the identifi-
8 cation of the purchaser if that identity is in question by sending the
9 thumbprints of the purchaser to the department.

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

14 “(6) No public employee, official or agency shall be held criminally or
15 civilly liable for performing the investigations required by this section pro-
16 vided the employee, official or agency acts in good faith and without malice.

17 “(7)(a) The department may retain a record of the information obtained
18 during a request for a criminal history record check for no more than five
19 years, **except that information provided to the gun dealer under sub-**
20 **section (2)(d) of this section sufficient to reflect each firearm pur-**
21 **chased by a permit holder shall be retained and attached to the**
22 **electronic record of the permit stored by the department. The depart-**
23 **ment may develop a system for removal of the information described**
24 **in subsection (2)(d)(E) of this section upon proof of sale or transfer**
25 **of the firearm to another permit holder, and for the recording of the**
26 **information to reflect the transfer of ownership to the permit of the**
27 **new owner.**

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

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

7 “(d) If the department determines that, based on the judgment of con-
8 viction, the purchaser is prohibited from possessing a firearm as a condition
9 of probation or that the purchaser is currently on post-prison supervision or
10 parole, the department shall report the attempted transfer to the purchaser’s
11 supervising officer and the district attorney of the county in which the con-
12 viction occurred.

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

17 “(f) If the department determines that the purchaser is under the juris-
18 diction of the Psychiatric Security Review Board, the department shall re-
19 port the attempted transfer to the board.

20 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
21 made within 24 hours after the determination is made, unless a report would
22 compromise an ongoing investigation, in which case the report may be de-
23 layed as long as necessary to avoid compromising the investigation.

24 “(h) On or before January 31 of each year, a law enforcement agency or
25 a prosecuting attorney’s office that received a report pursuant to paragraph
26 (c) of this subsection during the previous calendar year shall inform the de-
27 partment of any action that was taken concerning the report and the out-
28 come of the action.

29 “(i) The department shall annually publish a written report, based on any
30 information received under paragraph (h) of this subsection, detailing the

1 following information for the previous year:

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

5 “(B) The number of reports made pursuant to paragraph (c) of this sub-
6 section;

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

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

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

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

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

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

22 “(b) The maintenance of a procedure to correct errors in the criminal re-
23 cords of the department;

24 “(c) The provision of a security system to identify gun dealers that re-
25 quest a criminal history record check under subsection (2) of this section;
26 and

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

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

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

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

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

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

10 “(B) Receives a unique approval number from the department indicating
11 successful completion of the criminal background check;

12 “(C) Allows 72 hours to elapse between receipt of the unique approval
13 number and transfer of the firearm; and

14 “(D) [*For transfers occurring on or after July 1, 2024*] **Unless an excep-**
15 **tion described in subsection (15) of this section applies**, verifies that the
16 recipient has a valid permit to purchase the firearm.

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

21 “[*(b)*] **(14)** [*For transfers occurring on or after July 1, 2024,*] Knowingly
22 selling or delivering a firearm to a purchaser or transferee who does not
23 have a valid permit to purchase a firearm in violation of subsection (2)(d)
24 of this section **and does not qualify for an exception described in sub-**
25 **section (15) of this section**, or prior to receiving a unique approval number
26 from the department based on the criminal background check in violation
27 of subsection (3)(c) of this section, is a Class A misdemeanor.

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

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

4 “(A) A single-shot rifle, whether centerfire or rimfire;

5 “(B) A double-barreled shotgun;

6 “(C) A repeating rifle, whether centerfire or rimfire, that has a bolt,
7 lever, pump, straight-pull or revolving action;

8 “(D) A rifle with an attached tubular magazine designed to accept,
9 and capable of operating only with, 0.22 caliber rimfire ammunition;

10 “(E) A muzzleloader rifle; or

11 “(F) A shotgun with a pump, break, lever or revolving action; or

12 “(b) The purchaser is:

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

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

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

21 “166.435. (1) As used in this section:

22 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
23 transferee, including, but not limited to, the sale, gift, loan or lease of the
24 firearm. ‘Transfer’ does not include the temporary provision of a firearm to
25 a transferee if the transferor has no reason to believe the transferee is pro-
26 hibited from possessing a firearm or intends to use the firearm in the com-
27 mission of a crime, and the provision occurs:

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

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

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

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

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

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

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

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

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

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

1 perform a criminal background check on the transferee.

2 “(b) If the transferor and the transferee reside over 40 miles from each
3 other, the transferor may ship or deliver the firearm to a gun dealer located
4 near the transferee or a gun dealer designated by the transferee, and the
5 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
7 this section shall request a criminal history record check on the transferee
8 as described in ORS 166.412 and shall comply with all requirements of federal
9 law.

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

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

15 “(B) Receives notification that the transferee is prohibited by state or
16 federal law from possessing or receiving the firearm or that the department
17 is unable to determine if the transferee is qualified or disqualified from
18 completing the transfer, the gun dealer shall notify the transferor and nei-
19 ther the transferor nor the gun dealer shall transfer the firearm to the
20 transferee. If the transferor shipped or delivered the firearm to the gun
21 dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
22 comply with federal law when returning the firearm to the transferor.

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

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

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

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

4 “(c) The transfer of a firearm to:

5 “(A) A transferor’s spouse or domestic partner;

6 “(B) A transferor’s parent or stepparent;

7 “(C) A transferor’s child or stepchild;

8 “(D) A transferor’s sibling;

9 “(E) A transferor’s grandparent;

10 “(F) A transferor’s grandchild;

11 “(G) A transferor’s aunt or uncle;

12 “(H) A transferor’s first cousin;

13 “(I) A transferor’s niece or nephew; or

14 “(J) The spouse or domestic partner of a person specified in subpara-
15 graphs (B) to (I) of this paragraph.

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

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

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

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

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

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

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

4 “(A) A single-shot rifle, whether centerfire or rimfire;

5 “(B) A double-barreled shotgun;

6 “(C) A repeating rifle, whether centerfire or rimfire, that has a bolt,
7 lever, pump, straight-pull or revolving action;

8 “(D) A rifle with an attached tubular magazine designed to accept,
9 and capable of operating only with, 0.22 caliber rimfire ammunition;

10 “(E) A muzzleloader rifle; or

11 “(F) A shotgun with a pump, break, lever or revolving action; or

12 “(b) The transferee is:

13 “(A) An active duty state, federal or tribal police officer as defined
14 in ORS 181A.355 and presents valid identification and an identification
15 number issued to the transferee by the Department of Public Safety
16 Standards and Training; or

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

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

21 “166.436. (1) The Department of State Police shall make the telephone
22 number established under ORS 166.412 (5) available for requests for criminal
23 background checks under this section from persons who are not gun dealers
24 and who are transferring firearms at gun shows.

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

1 tion to the department:

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

3 “(b) The make, model, caliber and manufacturer’s number of the firearm
4 being transferred;

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

6 “(d) The Social Security number of the recipient if the recipient volun-
7 tarily provides that number;

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

9 “(f) The type, issuer and identification number of a current piece of
10 identification bearing a recent photograph of the recipient presented by the
11 recipient. The identification presented by the recipient must meet the re-
12 quirements of ORS 166.412 (4)(a).

13 “(3)(a) Upon receipt of a request for a criminal background check under
14 this section, the department shall immediately, during the telephone call or
15 by return call:

16 “(A) Determine from criminal records and other information available to
17 it whether the recipient is disqualified under ORS 166.470 from completing
18 the transfer or is otherwise prohibited by state or federal law from possess-
19 ing a firearm; and

20 “(B) Notify the transferor when a recipient is disqualified from complet-
21 ing the transfer or provide the transferor with a unique approval number
22 indicating that the recipient is qualified to complete the transfer. The unique
23 approval number is an authorization valid for 24 hours for the requested
24 transfer. If the firearm is not transferred from the transferor to the recipient
25 within 24 hours after receipt of the unique approval number, a new request
26 must be made by the transferor.

27 “(b) If the department is unable to determine whether the recipient is
28 qualified for or disqualified from completing the transfer within 30 minutes
29 of receiving the request, the department shall notify the transferor and pro-
30 vide the transferor with an estimate of the time when the department will

1 provide the requested information.

2 “(c) The transferor may not transfer the firearm unless the transferor
3 receives a unique approval number from the department and, within 48 hours
4 of the completed transfer, the transferor shall notify the department that the
5 transfer was completed.

6 “(4) A public employee or public agency incurs no criminal or civil li-
7 ability for performing the criminal background checks required by this sec-
8 tion, provided the employee or agency acts in good faith and without malice.

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

12 “(b) The record of the information obtained during a request for a crimi-
13 nal background check under this section is exempt from disclosure under
14 public records law.

15 “(c) If the department determines that a recipient is prohibited from pos-
16 sessing a firearm under ORS 166.250 (1)(c), the department shall report the
17 attempted transfer, the recipient’s name and any other personally identifiable
18 information to all federal, state and local law enforcement agencies and
19 district attorneys that have jurisdiction over the location or locations where
20 the attempted transfer was made and where the recipient resides.

21 “(d) If the department determines that, based on the judgment of con-
22 viction, the recipient is prohibited from possessing a firearm as a condition
23 of probation or that the recipient is currently on post-prison supervision or
24 parole, the department shall report the attempted transfer to the recipient’s
25 supervising officer and the district attorney of the county in which the con-
26 viction occurred.

27 “(e) If the department determines that the recipient is prohibited from
28 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
29 department shall report the attempted transfer to the court that issued the
30 order.

1 “(f) If the department determines that the recipient is under the jurisdic-
2 tion of the Psychiatric Security Review Board, the department shall report
3 the attempted transfer to the board.

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

8 “(h) On or before January 31 of each year, a law enforcement agency or
9 a prosecuting attorney’s office that received a report pursuant to paragraph
10 (c) of this subsection during the previous calendar year shall inform the de-
11 partment of any action that was taken concerning the report and the out-
12 come of the action.

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

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

19 “(B) The number of reports made pursuant to paragraph (c) of this sub-
20 section;

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

25 “(D) The number of criminal charges arising from the reports made pur-
26 suant to paragraph (c) of this subsection and the disposition of the charges,
27 both arranged by category of prohibition.

28 “(6) The recipient of the firearm must be present when the transferor re-
29 quests a criminal background check under this section.

30 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection,

1 a transferor who receives notification under this section that the recipient
2 is qualified to complete the transfer of a firearm, has the recipient fill out
3 the form required by ORS 166.438 (1)(a) and retains the form as required by
4 ORS 166.438 (2) is immune from civil liability for any use of the firearm from
5 the time of the transfer unless the transferor knows, or reasonably should
6 know, that the recipient is likely to commit an unlawful act involving the
7 firearm.

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

10 “(A) If the transferor knows, or reasonably should know, that the recipi-
11 ent of the firearm intends to deliver the firearm to a third person who the
12 transferor knows, or reasonably should know, may not lawfully possess the
13 firearm; or

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

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

17 “166.438. (1) A transferor who is not a gun dealer may not transfer a
18 firearm at a gun show unless the transferor:

19 “(a)(A) [*For transfers occurring on or after July 1, 2024*] **Unless an ex-**
20 **ception described in subsection (7) of this section applies**, verifies with
21 the Department of State Police that the recipient has a valid permit-to-
22 purchase issued under section 4, chapter 1, Oregon Laws 2023;

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

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

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

28 “(b) Completes the transfer through a gun dealer.

29 “(2) The transferor shall retain the completed form referred to in sub-
30 section (1) of this section for at least five years and shall make the completed

1 form available to law enforcement agencies for the purpose of criminal in-
2 vestigations.

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

7 “(4) Subsection (1) of this section does not apply if the transferee is li-
8 censed as a dealer under 18 U.S.C. 923.

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

11 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply
12 with the requirements of subsection (1), (2) or (3) of this section is a Class
13 C felony if the person has two or more previous convictions under this sec-
14 tion at the time of the offense.

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

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

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

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,**
27 **lever, pump, straight-pull or revolving action;**

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

30 “(E) **A muzzleloader rifle; or**

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

2 **“(b) The recipient is:**

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

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

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

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

15
16 **“TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026**

17
18 **“SECTION 17. ORS 166.412, as amended by section 6, chapter 1, Oregon**
19 **Laws 2023, and sections 6 and 12 of this 2023 Act, is amended to read:**

20 **“166.412. (1) As used in this section:**

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

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

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

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

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

29 **“(f) ‘Gun dealer’ means a person engaged in the business, as defined in**
30 **18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether**

1 the person is a retail dealer, pawnbroker or otherwise; and

2 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a
3 firearm from a gun dealer.

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

6 “(a) The purchaser shall present to the gun dealer current identification
7 meeting the requirements of subsection (4) of this section and, unless an ex-
8 ception described in subsection (15) of this section applies, a valid permit
9 issued under section 4, chapter 1, Oregon Laws 2023.

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

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

15 “(d) The gun dealer shall, by telephone or computer, request that the de-
16 partment conduct a criminal background check on the purchaser, verify,
17 unless an exception described in subsection (15) of this section applies, that
18 the purchaser has a valid permit to purchase a firearm issued under section
19 4, chapter 1, Oregon Laws 2023, and provide the following information to the
20 department:

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

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

23 “(C) The place of transfer;

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

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

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

28 “(G) The Social Security number of the purchaser if the purchaser vol-
29 untarily provides this number to the gun dealer; and

30 “(H) The type, issuer and identification number of the identification pre-

1 sented by the purchaser.

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

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

7 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
8 record check, the department shall immediately, during the gun dealer’s
9 telephone call or by return call:

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

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

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

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

22 “(A) The dealer receives a unique approval number from the department;
23 and

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

26 “(d) Within 48 hours of completing the transfer, the dealer shall notify
27 the department that the transfer was completed.

28 “(e) **A permit-to-purchase issued under section 4, chapter 1, Oregon**
29 **Laws 2023, is valid only for the purchase or acquisition of the following**
30 **firearms while the permit holder is under 21 years of age:**

- 1 **“(A) A single-shot rifle, whether centerfire or rimfire;**
2 **“(B) A double-barreled shotgun;**
3 **“(C) A repeating rifle, whether centerfire or rimfire, that has a bolt,**
4 **lever, pump, straight-pull or revolving action;**
5 **“(D) A rifle with an attached tubular magazine designed to accept,**
6 **and capable of operating only with, 0.22 caliber rimfire ammunition;**
7 **“(E) A muzzleloader rifle; or**
8 **“(F) A shotgun with a pump, break, lever or revolving action.**

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

12 “(A) Is issued under the authority of the United States Government, a
13 state, a political subdivision of a state, a foreign government, a political
14 subdivision of a foreign government, an international governmental organ-
15 ization or an international quasi-governmental organization; and

16 “(B) Is intended to be used for identification of an individual or is com-
17 monly accepted for the purpose of identification of an individual.

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

24 “(c) The department may require that the gun dealer verify the identifi-
25 cation of the purchaser if that identity is in question by sending the
26 thumbprints of the purchaser to the department.

27 “(5) The department shall establish a telephone number that shall be op-
28 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
29 purpose of responding to inquiries from gun dealers for a criminal history
30 record check under this section.

1 “(6) No public employee, official or agency shall be held criminally or
2 civilly liable for performing the investigations required by this section pro-
3 vided the employee, official or agency acts in good faith and without malice.

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

14 “(b) The record of the information obtained during a request for a crimi-
15 nal history record check by a gun dealer is exempt from disclosure under
16 public records law.

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

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

29 “(e) If the department determines that the purchaser is prohibited from
30 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the

1 department shall report the attempted transfer to the court that issued the
2 order.

3 “(f) If the department determines that the purchaser is under the juris-
4 diction of the Psychiatric Security Review Board, the department shall re-
5 port the attempted transfer to the board.

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

10 “(h) On or before January 31 of each year, a law enforcement agency or
11 a prosecuting attorney’s office that received a report pursuant to paragraph
12 (c) of this subsection during the previous calendar year shall inform the de-
13 partment of any action that was taken concerning the report and the out-
14 come of the action.

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

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

21 “(B) The number of reports made pursuant to paragraph (c) of this sub-
22 section;

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

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

30 “(8) A law enforcement agency may inspect the records of a gun dealer

1 relating to transfers of firearms with the consent of a gun dealer in the
2 course of a reasonable inquiry during a criminal investigation or under the
3 authority of a properly authorized subpoena or search warrant.

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

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

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

8 “(b) The maintenance of a procedure to correct errors in the criminal re-
9 cords of the department;

10 “(c) The provision of a security system to identify gun dealers that re-
11 quest a criminal history record check under subsection (2) of this section;
12 and

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

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

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

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

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

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

26 “(B) Receives a unique approval number from the department indicating
27 successful completion of the criminal background check;

28 “(C) Allows 72 hours to elapse between receipt of the unique approval
29 number and transfer of the firearm; and

30 “(D) Unless an exception described in subsection (15) of this section ap-

1 plies, verifies that the recipient has a valid permit to purchase the firearm.

2 “(14) Knowingly selling or delivering a firearm to a purchaser or
3 transferee who does not have a valid permit to purchase a firearm in vio-
4 lation of subsection (2)(d) of this section and does not qualify for an excep-
5 tion described in subsection (15) of this section, or prior to receiving a
6 unique approval number from the department based on the criminal back-
7 ground check in violation of subsection (3)(c) of this section, is a Class A
8 misdemeanor.

9 “(15) A valid permit to purchase a firearm issued under section 4, chapter
10 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is not required for a
11 firearm purchase from a gun dealer under this section if[.]

12 “[*(a) The purchaser can demonstrate proof of completion of a firearm safety*
13 *course as defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Meas-*
14 *ure 114 (2022)), and is purchasing:]*

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,*
18 *pump, straight-pull or revolving action;*]

19 “[*(D) A rifle with an attached tubular magazine designed to accept, and*
20 *capable of operating 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; or*]

23 “[*(b)*] the purchaser is:

24 “[*(A)*] **(a)** An active duty state, federal or tribal police officer as defined
25 in ORS 181A.355 and presents valid identification and an identification
26 number issued to the purchaser by the Department of Public Safety Stan-
27 dards and Training; or

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

30 **SECTION 18.** ORS 166.435, as amended by section 7, chapter 1, Oregon

1 Laws 2023, and sections 7 and 13 of this 2023 Act, is amended to read:

2 “166.435. (1) As used in this section:

3 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
4 transferee, including, but not limited to, the sale, gift, loan or lease of the
5 firearm. ‘Transfer’ does not include the temporary provision of a firearm to
6 a transferee if the transferor has no reason to believe the transferee is pro-
7 hibited from possessing a firearm or intends to use the firearm in the com-
8 mission of a crime, and the provision occurs:

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

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

15 “(C) Under circumstances in which the transferee and the firearm are in
16 the presence of the transferor;

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

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

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

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

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

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

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

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

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

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

22 “(A) Receives a unique approval number from the Department of State
23 Police indicating that the transferee is qualified to complete the transfer, the
24 gun dealer shall notify the transferor, enter the firearm into the gun dealer’s
25 inventory and transfer the firearm to the transferee.

26 “(B) Receives notification that the transferee is prohibited by state or
27 federal law from possessing or receiving the firearm or that the department
28 is unable to determine if the transferee is qualified or disqualified from
29 completing the transfer, the gun dealer shall notify the transferor and nei-
30 ther the transferor nor the gun dealer shall transfer the firearm to the

1 transferee. If the transferor shipped or delivered the firearm to the gun
2 dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
3 comply with federal law when returning the firearm to the transferor.

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

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

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

10 “(B) **A double-barreled shotgun;**

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

13 “(D) **A rifle with an attached tubular magazine designed to accept,
14 and capable of operating only with, 0.22 caliber rimfire ammunition;**

15 “(E) **A muzzleloader rifle; or**

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

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

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

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

26 “(c) The transfer of a firearm to:

27 “(A) A transferor’s spouse or domestic partner;

28 “(B) A transferor’s parent or stepparent;

29 “(C) A transferor’s child or stepchild;

30 “(D) A transferor’s sibling;

1 “(E) A transferor’s grandparent;
2 “(F) A transferor’s grandchild;
3 “(G) A transferor’s aunt or uncle;
4 “(H) A transferor’s first cousin;
5 “(I) A transferor’s niece or nephew; or
6 “(J) The spouse or domestic partner of a person specified in subpara-
7 graphs (B) to (I) of this paragraph.

8 “(d) The transfer of a firearm that occurs because of the death of the
9 firearm owner, provided that:

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

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

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

16 “(b) Notwithstanding paragraph (a) of this subsection, a transferor who
17 fails to comply with the requirements of this section commits a Class B fel-
18 ony if the transferor has a previous conviction under this section at the time
19 of the offense.

20 “(6) A valid permit to purchase a firearm issued under section 4, chapter
21 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is not required for a
22 firearm transfer under this section if[:]

23 “[*(a) The transferee can demonstrate proof of completion of a firearm safety*
24 *course as defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Meas-*
25 *ure 114 (2022)), and is purchasing:]*

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

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

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

30 “[*(D) A rifle with an attached tubular magazine designed to accept, and*

1 *capable of operating only with, 0.22 caliber rimfire ammunition;]*

2 “[*E*] *A muzzleloader rifle; or*]

3 “[*F*] *A shotgun with a pump, break, lever or revolving action; or*]

4 “[*b*] the transferee is:

5 “[*A*] (a) An active duty state, federal or tribal police officer as defined
6 in ORS 181A.355 and presents valid identification and an identification
7 number issued to the transferee by the Department of Public Safety Stan-
8 dards and Training; or

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

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

13 “166.436. (1) The Department of State Police shall make the telephone
14 number established under ORS 166.412 (5) available for requests for criminal
15 background checks under this section from persons who are not gun dealers
16 and who are transferring firearms at gun shows.

17 “(2) Prior to transferring a firearm at a gun show, a transferor who is
18 not a gun dealer shall by telephone request that the department conduct a
19 criminal background check on the recipient, verify, unless an exception de-
20 scribed in ORS 166.438 (7) applies, that the transferee has a valid permit to
21 purchase a firearm under section 4, chapter 1, Oregon Laws 2023, and provide
22 the following information to the department:

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

24 “(b) The make, model, caliber and manufacturer’s number of the firearm
25 being transferred;

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

27 “(d) The Social Security number of the recipient if the recipient volun-
28 tarily provides that number;

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

30 “(f) The type, issuer and identification number of a current piece of

1 identification bearing a recent photograph of the recipient presented by the
2 recipient. The identification presented by the recipient must meet the re-
3 quirements of ORS 166.412 (4)(a).

4 “(3)(a) Upon receipt of a request for a criminal background check under
5 this section, the department shall immediately, during the telephone call or
6 by return call:

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

11 “(B) Notify the transferor when a recipient is disqualified from complet-
12 ing the transfer or provide the transferor with a unique approval number
13 indicating that the recipient is qualified to complete the transfer. The unique
14 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
16 within 24 hours after receipt of the unique approval number, a new request
17 must be made by the transferor.

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

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

27 **“(d) A permit-to-purchase issued under section 4, chapter 1, Oregon**
28 **Laws 2023, is valid only for the purchase or acquisition of the following**
29 **firearms while the permit holder is under 21 years of age:**

30 **“(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,**
3 **lever, pump, straight-pull or revolving action;**

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

6 **“(E) A muzzleloader rifle; or**

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

8 “(4) A public employee or public agency incurs no criminal or civil li-
9 ability for performing the criminal background checks required by this sec-
10 tion, provided the employee or agency acts in good faith and without malice.

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

14 “(b) The record of the information obtained during a request for a crimi-
15 nal background check under this section is exempt from disclosure under
16 public records law.

17 “(c) If the department determines that a recipient is prohibited from pos-
18 sessing a firearm under ORS 166.250 (1)(c), the department shall report the
19 attempted transfer, the recipient’s name and any other personally identifiable
20 information to all federal, state and local law enforcement agencies and
21 district attorneys that have jurisdiction over the location or locations where
22 the attempted transfer was made and where the recipient resides.

23 “(d) If the department determines that, based on the judgment of con-
24 viction, the recipient is prohibited from possessing a firearm as a condition
25 of probation or that the recipient is currently on post-prison supervision or
26 parole, the department shall report the attempted transfer to the recipient’s
27 supervising officer and the district attorney of the county in which the con-
28 viction occurred.

29 “(e) If the department determines that the recipient is prohibited from
30 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the

1 department shall report the attempted transfer to the court that issued the
2 order.

3 “(f) If the department determines that the recipient is under the jurisdic-
4 tion of the Psychiatric Security Review Board, the department shall report
5 the attempted transfer to the board.

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

10 “(h) On or before January 31 of each year, a law enforcement agency or
11 a prosecuting attorney’s office that received a report pursuant to paragraph
12 (c) of this subsection during the previous calendar year shall inform the de-
13 partment of any action that was taken concerning the report and the out-
14 come of the action.

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

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

21 “(B) The number of reports made pursuant to paragraph (c) of this sub-
22 section;

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

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

30 “(6) The recipient of the firearm must be present when the transferor re-

1 requests a criminal background check under this section.

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

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

12 “(A) If the transferor knows, or reasonably should know, that the recipi-
13 ent of the firearm intends to deliver the firearm to a third person who the
14 transferor knows, or reasonably should know, may not lawfully possess the
15 firearm; or

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

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

19 “166.438. (1) A transferor who is not a gun dealer may not transfer a
20 firearm at a gun show unless the transferor:

21 “(a)(A) Unless an exception described in subsection (7) of this section
22 applies, verifies with the Department of State Police that the recipient has
23 a valid permit-to-purchase issued under section 4, chapter 1, Oregon Laws
24 2023;

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

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

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

30 “(b) Completes the transfer through a gun dealer.

1 “(2)(a) The transferor shall retain the completed form referred to in sub-
2 section (1) of this section for at least five years and shall make the completed
3 form available to law enforcement agencies for the purpose of criminal in-
4 vestigations.

5 “(b) **A permit-to-purchase issued under section 4, chapter 1, Oregon**
6 **Laws 2023, is valid only for the purchase or acquisition of the following**
7 **firearms while the permit holder is under 21 years of age:**

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

9 “(B) **A double-barreled shotgun;**

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

12 “(D) **A rifle with an attached tubular magazine designed to accept,**
13 **and capable of operating only with, 0.22 caliber rimfire ammunition;**

14 “(E) **A muzzleloader rifle; or**

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

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

20 “(4) Subsection (1) of this section does not apply if the transferee is li-
21 censed as a dealer under 18 U.S.C. 923.

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

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

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

1 “(7) A valid permit to purchase a firearm issued under section 4, chapter
2 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is not required for a
3 firearm transfer under this section if[.]

4 “[*(a) The recipient can demonstrate proof of completion of a firearm safety*
5 *course as defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Meas-*
6 *ure 114 (2022)), and is purchasing:]*

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

8 “[*(B) A double-barreled shotgun;*]

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

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

13 “[*(E) A muzzleloader rifle; or*]

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

15 “[*(b)*] the recipient is:

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

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

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

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

28

29 **“MISCELLANEOUS PROVISIONS OF BALLOT MEASURE 114**

30

