

SENATE AMENDMENTS TO SENATE BILL 243

By COMMITTEE ON JUDICIARY

April 23

1 In line 2 of the printed bill, after “firearms” insert “; creating new provisions; amending ORS
2 166.262, 166.360, 166.370, 166.377 and 166.412; and prescribing an effective date”.

3 Delete lines 4 through 9 and insert:
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“SHORT TITLE

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7 “**SECTION 1. Section 3 of this 2025 Act and the amendments to ORS 166.262, 166.360,
8 166.370, 166.377 and 166.412 by sections 2 and 4 to 7 of this 2025 Act shall be known and may
9 be cited as the ‘Oregon Suicide Prevention and Community Safety Firearms Act.’**
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“DEALER PURCHASE WAITING PERIOD

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13 “**SECTION 2.** ORS 166.412 is amended to read:

14 “166.412. (1) As used in this section:

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

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

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

19 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.
20 921 to 929;

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

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

26 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm or unfinished
27 frame or receiver from a gun dealer; and

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

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

31 “(a) The purchaser shall present to the gun dealer current identification meeting the require-
32 ments of subsection (4) of this section and a valid permit issued under ORS 166.505.

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

35 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction

1 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
2 be filed with that copy.

3 "(d) The gun dealer shall, by telephone or computer, verify that the purchaser has a valid
4 [permit-to-purchase] **permit to purchase** a firearm issued under ORS 166.505, and request that the
5 department conduct a criminal history record check on the purchaser and shall provide the follow-
6 ing information to the department:

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

8 "(B) The business name of the gun dealer;

9 "(C) The place of transfer;

10 "(D) The name of the person making the transfer;

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

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

14 "(G) The Social Security number of the purchaser if the purchaser voluntarily provides this
15 number to the gun dealer; and

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

17 "(e) The gun dealer shall receive a unique approval number for the transfer from the department
18 and record the approval number on the firearms transaction record and on the firearms transaction
19 thumbprint form.

20 "(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
21 completion of the firearms transaction thumbprint form.

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

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

26 "(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or
27 provide the gun dealer with a unique approval number indicating that the purchaser is qualified to
28 complete the transfer.

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

33 "(c) The **gun** dealer may not transfer the firearm or unfinished frame or receiver unless [*the*
34 *dealer receives a unique approval number from the department and,*]:

35 "(A) **At least 72 hours have elapsed from the time at which the gun dealer requested the**
36 **criminal background check; and**

37 "(B) **The gun dealer has received a unique approval number from the department indi-**
38 **cating that the purchaser is qualified to complete the transfer.**

39 "(d) Within 48 hours of completing the transfer, the **gun** dealer shall notify the [*state*] **depart-**
40 **ment** that the transfer to the permit holder was completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 “(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s
45 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-

1 endar year shall inform the department of any action that was taken concerning the report and the
2 outcome of the action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 “(b) A gun dealer that requests a criminal background check under this subsection is immune
33 from civil liability for any use of the firearm or unfinished frame or receiver by the [*recipient or*
34 *transferee*] **purchaser**, provided that the gun dealer:

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

37 “(B) **Receives a unique approval number from the department indicating that the pur-**
38 **chaser is qualified to complete the transfer;**

39 “(C) **Allows at least 72 hours to elapse between the request for the criminal background**
40 **check and the transfer of the firearm or unfinished frame or receiver; and**

41 “(D) Verifies that the [*recipient*] **purchaser** has a valid [*permit-to-purchase*] **permit to purchase**
42 the firearm or unfinished frame or receiver [*and the dealer has received a unique approval number*
43 *from the department indicating successful completion of the background check*].

44 “(14) Knowingly selling or delivering a firearm or unfinished frame or receiver to a purchaser
45 [*or transferee*] who does not have a valid [*permit-to-purchase*] **permit to purchase** a firearm in vio-

1 lation of subsection (2)(d) of this section, or prior to receiving a unique approval number from the
2 department based on the criminal background check in violation of subsection (3)(c) of this section,
3 is a Class A misdemeanor.

4
5 **“RAPID FIRE ACTIVATORS**

6
7 **“SECTION 3. (1) A person commits the crime of unlawful transport, manufacture or**
8 **transfer of a rapid fire activator if the person knowingly:**

9 **“(a) Transports a rapid fire activator into this state; or**

10 **“(b) Manufactures, sells, offers to sell or transfers a rapid fire activator.**

11 **“(2) A person commits the crime of unlawful possession of a rapid fire activator if the**
12 **person knowingly possesses, purchases or receives a rapid fire activator.**

13 **“(3)(a) Unlawful transport, manufacture or transfer of a rapid fire activator is a Class**
14 **B felony.**

15 **“(b) Unlawful possession of a rapid fire activator is a Class A misdemeanor.**

16 **“(4) This section does not apply to:**

17 **“(a) A peace officer, or other person employed by a law enforcement agency, who pos-**
18 **sesses a rapid fire activator in accordance with authorization given to the peace officer or**
19 **other person by the law enforcement agency.**

20 **“(b) A person who has registered a machine gun in accordance with federal law and the**
21 **rapid fire activator is possessed for use only in, and is necessary for the proper function of,**
22 **the lawfully registered machine gun.**

23 **“(5) As used in this section:**

24 **“(a) ‘Binary trigger system’ means a device that, when built into, installed in or attached**
25 **to a firearm, allows the firearm to fire both when the trigger is pulled or depressed and when**
26 **the trigger is released.**

27 **“(b) ‘Bump stock’ means a device that, when built into, installed in or attached to a**
28 **firearm, increases the rate of fire of the firearm by using energy from the recoil of the**
29 **firearm to generate a reciprocating action that facilitates repeated activation of the trigger.**

30 **“(c) ‘Burst trigger system’ means a device that, when built into, installed in or attached**
31 **to a firearm, allows the firearm to discharge two or more rounds with a single pull or de-**
32 **pression of the trigger by altering the trigger reset.**

33 **“(d) ‘Firearm’ has the meaning given that term in ORS 166.210.**

34 **“(e) ‘Forced reset trigger’ means a device that, when built into, installed in or attached**
35 **to a firearm, mechanically forces the trigger to reset into a firing position after each round**
36 **is fired.**

37 **“(f) ‘Hellfire trigger’ means a device that, when built into, installed in or attached to a**
38 **firearm, disengages the trigger return spring when the trigger is pulled or depressed.**

39 **“(g) ‘Machine gun’ has the meaning given that term in ORS 166.210.**

40 **“(h) ‘Peace officer’ has the meaning given that term in ORS 133.005.**

41 **“(i)(A) ‘Rapid fire activator’ means any device, including a removable manual or power-**
42 **driven device, part or combination of parts, constructed so that, when built into, installed**
43 **on or attached to a firearm:**

44 **“(i) The rate at which the trigger is activated increases to a faster rate than is possible**
45 **for the firearm without the device; or**

1 than a court facility, **and the grounds adjacent to each such building**; or

2 “(b) The passenger terminal of a commercial service airport with over one million passenger
3 boardings per year.

4 “(10) ‘Weapon’ means:

5 “(a) A firearm;

6 “(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife,
7 other than an ordinary pocketknife with a blade less than four inches in length, the use of which
8 could inflict injury upon a person or property;

9 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

10 “(d) An electrical stun gun or any similar instrument;

11 “(e) A tear gas weapon as defined in ORS 163.211;

12 “(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
13 similar instrument, the use of which could inflict injury upon a person or property; or

14 “(g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

15 “**SECTION 5.** ORS 166.370 is amended to read:

16 “166.370. (1)(a) Any person who intentionally possesses a loaded or unloaded firearm or any
17 other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction
18 be guilty of a Class C felony.

19 “(b) Notwithstanding paragraph (a) of this subsection, in a prosecution under this section for the
20 possession of a firearm within the Capitol, within the passenger terminal of a commercial service
21 airport with over one million passenger boardings per year, **within a building and adjacent**
22 **grounds subject to a policy described in ORS 166.377** or on school grounds subject to a policy
23 described in ORS 166.377, if the person proves by a preponderance of the evidence that, at the time
24 of the possession, the person was licensed under ORS 166.291 and 166.292 to carry a concealed
25 handgun, upon conviction the person is guilty of a Class A misdemeanor.

26 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
27 tionally possesses:

28 “(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
29 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
30 officer.

31 “(B) A weapon, other than a firearm, in a court facility may be required to surrender the
32 weapon to a law enforcement officer or to immediately remove it from the court facility. A person
33 who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

34 “(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior
35 to the offense, the presiding judge of the local court facility entered an order prohibiting firearms
36 in the area in which the court conducts business and during the hours in which the court operates.

37 “(b) The presiding judge of a judicial district or a municipal court may enter an order permitting
38 the possession of specified weapons in a court facility.

39 “(c) Within a shared court facility, the presiding judge of a municipal court or justice of the
40 peace district may not enter an order concerning the possession of weapons in the court facility that
41 is in conflict with an order entered by the presiding judge of the circuit court.

42 “(3) Subsection (1)(a) of this section does not apply to:

43 “(a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

44 “(b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation
45 officer is acting within the scope of employment.

1 “(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections
2 officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
3 or corrections officer is acting within the scope of employment.

4 “(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection
5 to assist in making an arrest or preserving the peace, while the summoned person is engaged in
6 assisting the officer.

7 “(e) An honorably retired law enforcement officer.

8 “(f) An active or reserve member of the military forces of this state or the United States, when
9 engaged in the performance of duty.

10 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun,
11 except as provided in subsection (1)(b) of this section.

12 “(h) A person who is authorized by the officer or agency that controls the public building to
13 possess a firearm or dangerous weapon in that public building.

14 “(i) An employee of the United States Department of Agriculture, acting within the scope of
15 employment, who possesses a firearm in the course of the lawful taking of wildlife.

16 “(j) Possession of a firearm on school property if the firearm:

17 “(A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

18 “(B) Is unloaded and locked in a motor vehicle.

19 “(k) A person who possesses a firearm in the passenger terminal of a commercial service airport,
20 if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the
21 firearm as checked baggage in accordance with federal law.

22 “(4)(a) Except as provided in subsection (1)(b) of this section, the exceptions listed in subsection
23 (3)(d) to (k) of this section constitute affirmative defenses to a charge of violating subsection (1)(a)
24 of this section.

25 “(b) A person may not use the affirmative defense described in subsection (3)(e) of this section
26 if the person has been convicted of an offense that would make the person ineligible to obtain a
27 concealed handgun license under ORS 166.291 and 166.292.

28 “(5)(a) Any person who knowingly, or with reckless disregard for the safety of another, dis-
29 charges or attempts to discharge a firearm at a place that the person knows is a school shall upon
30 conviction be guilty of a Class C felony.

31 “(b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

32 “(A) As part of a program approved by a school in the school by an individual who is partic-
33 ipating in the program;

34 “(B) By a law enforcement officer acting in the officer’s official capacity; or

35 “(C) By an employee of the United States Department of Agriculture, acting within the scope
36 of employment, in the course of the lawful taking of wildlife.

37 “(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
38 166.279.

39 “(7) Notwithstanding the fact that a person’s conduct in a single criminal episode constitutes a
40 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
41 with only one of the offenses.

42 “(8) As used in this section, ‘dangerous weapon’ means a dangerous weapon as that term is de-
43 fined in ORS 161.015.

44 “**SECTION 6.** ORS 166.377 is amended to read:

45 “166.377. (1) The governing board of a public university listed in ORS 352.002, the Oregon

1 Health and Science University Board of Directors, the governing board of a community college or
2 a district school board as defined in ORS 332.002 may adopt a policy providing that the affirmative
3 defense described in ORS 166.370 (3)(g), concerning persons licensed to carry a concealed handgun
4 under ORS 166.291 and 166.292, does not apply to the possession of firearms on the grounds of the
5 schools controlled by the board.

6 “(2) A board that adopts a policy under **subsection (1) of this section** shall:

7 “(a) Post a clearly visible sign, at all normal points of entry to the school grounds subject to
8 the policy described in subsection (1) of this section, indicating that the affirmative defense de-
9 scribed in ORS 166.370 (3)(g) does not apply.

10 “(b) Post a notice on the board’s website identifying all school grounds subject to the policy
11 described in subsection (1) of this section.

12 “**(3)(a) The governing body of a city or county may adopt a policy, ordinance or regulation**
13 **providing that the affirmative defense described in ORS 166.370 (3)(g), concerning persons**
14 **licensed to carry a concealed handgun under ORS 166.291 and 166.292, does not apply to the**
15 **possession of firearms within buildings and on grounds adjacent to buildings owned or con-**
16 **trolled by the governing body.**

17 “**(b) The governing body of a metropolitan service district organized under ORS chapter**
18 **268 may adopt a policy, ordinance or regulation providing that the affirmative defense de-**
19 **scribed in ORS 166.370 (3)(g), concerning persons licensed to carry a concealed handgun un-**
20 **der ORS 166.291 and 166.292, does not apply to the possession of firearms within buildings**
21 **constituting a metropolitan zoo facility, and on grounds adjacent such buildings, owned or**
22 **controlled by the governing body.**

23 “(4) A governing body that adopts a policy under subsection (3) of this section shall:

24 “(a) Post a clearly visible sign, at all normal points of entry to the buildings and grounds
25 subject to the policy described in subsection (3) of this section, indicating that the affirma-
26 tive defense described in ORS 166.370 (3)(g) does not apply.

27 “(b) Post a notice on the governing body’s website identifying all buildings and grounds
28 subject to the policy described in subsection (3) of this section.

29 “**SECTION 7.** ORS 166.262 is amended to read:

30 “166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
31 (b) or 166.370 (1)(a) if the person has in the person’s immediate possession:

32 “(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, unless the person
33 possesses a firearm within the Capitol, within the passenger terminal of a commercial service air-
34 port with over one million passenger boardings per year, **within a building or adjacent grounds**
35 **subject to a policy described in ORS 166.377** or on school grounds subject to a policy described
36 in ORS 166.377;

37 “(2) Proof that the person is a law enforcement officer; or

38 “(3) Proof that the person is an honorably retired law enforcement officer, unless the person has
39 been convicted of an offense that would make the person ineligible to obtain a concealed handgun
40 license under ORS 166.291 and 166.292.

41
42 “CAPTIONS

43
44 “**SECTION 8.** The unit captions used in this 2025 Act are provided only for the conven-
45 **ience of the reader and do not become part of the statutory law of this state or express any**

1 legislative intent in the enactment of this 2025 Act.

2

3

“EFFECTIVE DATE

4

5 **“SECTION 9. This 2025 Act takes effect on the 91st day after the date on which the 2025**
6 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**

7
