HB 4145 STAFF MEASURE SUMMARY
House Committee on Judiciary

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Meeting Dates: 2/2

WHAT THE MEASURE DOES:

The measure amends provisions enacted by the 2022 Ballot Measure 114 to modify the firearm purchasing permit process, to modify the large capacity magazine prohibition, and to delay the permit requirement for purchasing firearms until January 1, 2028. The measure declares an emergency and is effective on passage.

Detailed Summary:

I. Changes to Permit to Purchase Process (Sections 1–5)

Permit Process Changes

- Requires the criminal background check for an application for a permit-to-purchase to go through state databases first and then through the Federal Bureau of Investigation. §4(1)(f).
- Clarifies procedures upon disqualification for a permit and for notifying an applicant of their approval or disqualification for a permit and requires the notice to be sent to the applicant in writing. §§4(1)(f)–(g).
- Increases the amount of time allowed after an application is submitted for a permit agent to either issue a permit or send a written notice of denial from 30 days to 60 days. §§4(3)(a), 5(1).
- Exempts permit application information and background check report from public records requests. §4(1)(h).
- Requires the permit agent to enter the name of a person issued a permit into the Law Enforcement Data System and indicate that the person has a permit. §4(4)(b)(A).
- Clarifies who is an "instructor approved by a law enforcement agency" and creates a liability immunity for law enforcement agencies related to the approval of instructors. §4(8)(d).
- Increases the allowable permit application and renewal fees and limits how much of those fees can go to the Department of State Police for conducting background checks. §§4(3)(b), (7)(c).
- Increases the amount of time by which a permit agent must issue a permit or notify the applicant of denial. §§ 4(3)(a), 5(1).
- Permits the Department of State Police to retain a record of information obtained during a criminal history background check for no more than five years, but requires the department to retain limited information to attach to the record of the permit; allows the department to remove the information if the gun is transferred to a different permit holder. §12(7).

Eligibility Changes

- Makes ineligible for a permit-to-purchase persons who have been convicted of a "misdemeanor involving violence" within the past four years. §4(8).
- Modifies what counts as proof of completion of a firearms safety course and requires a training course used as proof of completion of a firearms safety course to have been completed within the five years before an application for a permit-to-purchase. §4(8).

II. Sets Start Date for Permit Requirement on January 1, 2028 (Sections 1b, 6–10, 12–17)

PRELIMINARY

- Delays requirement of a valid permit to purchase firearms to transfers occurring on or after January 1, 2028. §1b.
- Provides that a valid permit to purchase a firearm is not required if the purchaser falls within certain categories of law enforcement. §§12(15), 13(6), 15(7).
- Makes it a Class A misdemeanor to transfer a firearm to someone who doesn't have a valid permit to purchase a firearm or prior to receiving a unique approval number from the Department of State Police based on a criminal background check. §6(14)(b).

III. Modifications to Large Capacity Magazine Prohibition (Sections 11–11a)

- Defines terms. §11.
- Removes outdated provisions
- Adds certain categories of law enforcement officers and certain law enforcement agency activities to the exclusions from the crime of *unlawful manufacture, importation, possession, use, purchase, sale or otherwise transferring of large-capacity magazines*. §§11(3)(d) & (e).
- Creates temporary exceptions to the crime of *unlawful manufacture, importation, possession, use, purchase, sale or otherwise transferring of large-capacity magazines* while the enforcement of the prohibition is enjoined by a court of law. §11a.
- Creates a 180-day grace period for licensed gun dealers and manufacturers to lawfully dispose of large capacity magazines after a court injunction is lifted. §11a.

BACKGROUND:

In November 2022, Oregon voters passed Ballot Measure 114, which required anyone purchasing a firearm to take a firearm safety training course and obtain a permit. It also banned large capacity magazines—those holding more than 10 rounds—and closed the "Charleston loophole," which allowed firearm transfers to go forward if a background check had not been completed after three days. Lawsuits were filed challenging the constitutionality of provisions of the ballot measure in both federal and state court. Due to court orders, the measure has not been in effect and for now remains enjoined while the state case proceeds.

In state court, Harney County Circuit Court Judge Robert Raschio held that the certain parts of the measure violated the Oregon Constitution. On March 12, 2025, the Oregon Court of Appeals reversed the decision of the circuit court, holding in its opinion that "all of Ballot Measure 114 (2022) is facially valid under Article I, section 27" of the Oregon Constitution. In November 2025, the Oregon Supreme Court heard arguments on further appeal of the case, where the case is still pending.

In federal court, Judge Karin Immergut ruled in December 2022 that "Ballot Measure 114's restrictions are consistent with this Nation's history and tradition of regulating uniquely dangerous features of weapons and firearms to protect public safety" and determined that the measure is constitutional under the United States Constitution. The case was appealed to the Ninth Circuit Court of Appeals, which has placed the case on hold pending resolution of a California case—also involving a large capacity magazine prohibition—in light of the U.S. Supreme Court's recent Second Amendment decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). On March 20, 2025, the Ninth Circuit Court, sitting *en banc*, determined that "California's law comported with the Second Amendment." *Duncan v. Bonta*, 133 F.4th 852 (2025). Oregon's case before the Ninth Circuit is still pending, and California's case has been appealed to the U.S. Supreme Court.

PRELIMINARY

In 2025, the Oregon Legislative Assembly introduced Several measures to modify and codify provisions of BM 114: Senate Bill 243, House Bill 3075 A (not enacted), and House Bill 3076 B (not enacted). SB 243 expands authority of governing bodies to regulate possession of firearms within certain buildings where official meetings are held and criminalizes the possession, manufacturing, or transfer of rapid-fire activation devices. The measure also delays full enforcement of BM 114's provisions—including permit-to-purchase requirements, background check mandates, and high-capacity magazine restrictions—to actions occurring on or after March 15, 2026.

HB 3075 A sought to amend Oregon statutes necessary to implement the procedural requirements for obtaining a permit to purchase a firearm as outlined by BM 114. The proposal included extending permit decision windows from 30 to 60 days, requiring written denial notices, increasing fees, and shielding background-check data from public access.

HB 3076 B would have initiated a state-level licensing regime for firearm dealers, requiring dealers to register with the Department of Justice, submit to background checks, maintain security and records, as well as undergo possible inspection. The bill also established timelines, fees, funding mechanisms, and enforcement penalties. Finally, the measure would have created procedural and eligibility requirements for the application, issuance, and oversight authority of state firearms dealer licenses.

PRELIMINARY