

A-Engrossed House Bill 4145

Ordered by the House February 18
Including House Amendments dated February 18

Sponsored by Representatives KROPF, GRAYBER; Representatives ANDERSEN, DOBSON, FRAGALA, MCDONALD, Senator PROZANSKI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the gun permit and transfer process and to the LCM prohibition. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 73.2).

Modifies the firearm permit provisions of Ballot Measure 114 (2022). Specifies where a person may apply for a permit to purchase a firearm and adds an eligibility requirement. Provides that information obtained during the application process and during the criminal background check and maintained within the database of permit holders is exempt from disclosure as a public record. Extends the time, from 30 to 60 days from receipt of the application, by which a permit agent must issue a permit to a qualified applicant or mail reasons for a denial in writing to the applicant. Increases the maximum fee that may be charged for an initial application for and renewal of a permit. Specifies the portion of the fee payable to the Department of State Police for conducting a criminal background check. Establishes alternatives to a firearms training course or class that may be used to satisfy the requirement of proof of completion of a firearm safety course for the permit. Provides that permits are not required for firearm transfers until January 1, 2028. Establishes an exception to the permit requirement for certain active *[and retired]* law enforcement officers.

Modifies the affirmative defense language for the large-capacity magazine provisions of Ballot Measure 114 (2022). Provides that a person may not be prosecuted for prohibited conduct occurring while enforcement of the provisions is enjoined by a court. Provides that gun dealers and manufacturers have 180 days after entry of an appellate judgment reversing or vacating the injunction to take certain actions concerning large-capacity magazines.

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

Provides that the Legislative Assembly does not intend the Act to affect current court proceedings concerning Ballot Measure 114 (2022).

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to firearms; creating new provisions; amending ORS 166.355, 166.412, 166.435, 166.436, 166.438, 166.500, 166.503, 166.505 and 166.508 and section 10, chapter 1, Oregon Laws 2023; repealing section 1, chapter 1, Oregon Laws 2023; and declaring an emergency.

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

PERMITTING PROCESS

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

SECTION 1a. Section 10, chapter 1, Oregon Laws 2023, as amended by section 6, chapter 594, Oregon Laws 2025, is amended to read:

Sec. 10. *[ORS 166.503, 166.505 and 166.508 and]* The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 6 to 9, chapter 1, Oregon Laws 2023, **and sections 6 to 9 of this**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

2026 Act apply to firearm transfers conducted on or after March 15, 2026.

SECTION 1b. Notwithstanding the amendments to section 10, chapter 1, Oregon Laws 2023, by section 6, chapter 594, Oregon Laws 2025, a permit to purchase a firearm is not required for firearm transfers occurring prior to January 1, 2028.

SECTION 2. ORS 166.500 is amended to read:

166.500. *[The People of the State of Oregon find and declare that regulation of sale, purchase and otherwise transferring of all firearms and restriction of the manufacture, import, sale, purchase, transfer, use and possession of ammunition magazines to those that hold no more than 10 rounds will promote the public health and safety of the residents of this state and]* Chapter 1, Oregon Laws 2023, shall be known as the Reduction of Gun Violence Act.

SECTION 3. ORS 166.503 is amended to read:

166.503. As used in this section and ORS [166.412, 166.435, 166.436, 166.438,] 166.505 and 166.508:

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

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

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

(4) “Permit” or “permit-to-purchase” means an authorization issued **under ORS 166.505** to a person to purchase or acquire a firearm, provided all other requirements at the time of purchase or acquisition are met.

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

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

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

SECTION 4. ORS 166.505 is amended to read:

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

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

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

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

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

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

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

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

[(C)] (E) Does not present reasonable grounds for a permit agent to conclude that the applicant

has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state or as demonstrated by the applicant's past pattern of behavior involving unlawful violence or threats of unlawful violence;

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

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

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

(d) The permit agent shall verify the applicant's identity with a government-issued form of identification bearing a photograph of the applicant.

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

(f) The permit agent shall request the department to conduct a criminal background check, including but not limited to a fingerprint identification, **first through state databases and then by submitting a request** through the Federal Bureau of Investigation. The **department shall request that the** Federal Bureau of Investigation ~~[shall]~~ return the fingerprint cards used to conduct the criminal background check and ~~[may]~~ not keep any record of the fingerprints. Upon completion of the criminal background check and determination of whether, **based on the records available to the department,** the permit applicant is qualified or disqualified from purchasing or otherwise acquiring a firearm the department shall report the results~~[, including the outcome of the fingerprint-based criminal background check,]~~ **in writing** to the permit agent. **The results shall consist of an indication that either the applicant is qualified or that the applicant is disqualified and the reason for the disqualification, and the outcome of any fingerprint-based criminal background check.**

(g) If the department is unable to complete a criminal background check due to missing or incomplete records, the transaction will be deemed disqualified and the department shall notify the permit agent of the deficiency within the criminal history record. If the missing information is obtained by the applicant, the applicant may submit a new application to the permit agent with supporting documentation.

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

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

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

(B) Based on the judgment of conviction, the permit applicant is prohibited from possessing a firearm as a condition of probation or that the permit applicant is currently on post-prison supervision or parole, the department shall report the attempted application for a permit to the permit

applicant's supervising officer and the district attorney of the county in which the conviction occurred.

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

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

(b) Reports required by paragraph [(a)(A) to (D)] (a) of this subsection shall be made within 24 hours after the determination is made, unless a report would compromise an ongoing investigation, in which case the report may be delayed as long as necessary to avoid compromising the investigation.

(c) On or before January 31 of each year, beginning in [2024] **2029**, the department shall annually publish a report indicating for each county the number of applications made to any permit agent, the number of permits-to-purchase issued and the number of permits-to-purchase denied and the reasons for denial. *[The department may, by rule, include any additional information that it determines would be helpful to ensuring the permit-to-purchase process is being administered in a consistent and equitable manner.]* **The report shall additionally specify, for each county, racial and gender information concerning each applicant within the total number of permits granted and denied and the reason for denial to support the consistent and equitable administration of the permitting process. The report may not include any information that personally identifies an individual applicant. The department may adopt rules relating to the information needed from permit agents for the purposes of creating the annual report.**

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

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

(4)(a) The department shall develop:

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

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

(b) The issuing permit agent shall:

(A) Enter the name of the permit holder into the Law Enforcement Data System and indicate that the person is a permit holder.

(B) maintain a copy of each permit issued under this section.

(c) The person named in a permit shall:

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

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

(5)(a) The permit agent shall report the issuance of a permit under this section to the department[,] and shall provide to the department a copy of the permit and any information necessary for the department to maintain an electronic searchable database of all permits issued under

1 this section. A permit agent revoking a permit shall report the revocation to the department at the
2 time that notice of the revocation has been sent to the permit holder.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **(C) An identification card certifying that the cardholder is currently a qualified retired**
42 **law enforcement officer as defined in 18 U.S.C. 926C;**

43 **(D) Current certification as a corrections officer as defined in ORS 181A.355;**

44 **(E) Certification as an instructor approved by the National Rifle Association;**

45 **(F) Proof of qualification with a pistol, rifle or other small arms while serving in the**

Armed Forces of the United States as defined in ORS 352.313, as documented on a federal DD Form 214 (Certificate of Release or Discharge from Active Duty), if the qualification occurred within the 10 years prior to the date of application for issuance of the permit; or

(G) Current certification as an armed private security professional under ORS 181A.840 to 181A.918.

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

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

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

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

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

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

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

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

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

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

SECTION 5. ORS 166.508 is amended to read:

166.508. (1) If *[the]* **an** application for *[the]* **a** permit-to-purchase is denied, the permit agent shall set forth in writing the reasons for the denial. The denial shall be placed in the mail to the applicant by certified mail, restricted delivery, within *[30]* **60** days after the application was made. If no decision is issued within *[30]* **60** days **and the 60th day occurs on or after July 1, 2027**, the person may seek review under the procedures **described** in subsection *[(5)]* **(6)** of this section.

(2) Notwithstanding ORS 166.505 (1) to (3), and subject to review as provided in subsection *[(5)]* **(6)** of this section, a permit agent may deny a permit-to-purchase if the permit agent has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state

or as demonstrated by the applicant's past pattern of behavior involving unlawful violence or threats of unlawful violence.

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

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

(4) No civil or criminal liability shall attach to a permit agent or the Department of State Police for receiving, reviewing or conducting an investigation connected with an application for, or the issuance, denial, revocation or refusal to renew, a firearm permit under this section or ORS 166.505, if the action is pursuant to or results from the lawful performance of official duties described in this section and 166.505.

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

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

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

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

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

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

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

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

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

TRANSFERS OCCURRING BEFORE JANUARY 1, 2028

SECTION 6. ORS 166.412 is amended to read:

166.412. (1) As used in this section:

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

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

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

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

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

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

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

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

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

(a) The purchaser shall present to the gun dealer current identification meeting the requirements of subsection (4) of this section and, **for transfers occurring on or after January 1, 2028**, a valid permit issued under ORS 166.505.

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

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

(d) The gun dealer shall, by telephone or computer, **request that the department conduct a criminal background check on the purchaser, verify, for transfers occurring on or after January 1, 2028**, that the purchaser has a valid [*permit-to-purchase*] **permit to purchase** a firearm issued under ORS 166.505, and [*request that the department conduct a criminal history record check on the purchaser and shall*] provide the following information to the department:

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

(B) The business name of the gun dealer;

(C) The place of transfer;

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

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

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

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

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

(e) The gun dealer shall receive a unique approval number for the transfer from the department and record the approval number on the firearms transaction record and on the firearms transaction

thumbprint form.

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

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

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

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

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

(c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer receives a unique approval number from the department. [*and,*] Within 48 hours of completing the transfer, the dealer shall notify the [*state*] **department** that the transfer [*to the permit holder*] was completed.

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

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

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

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

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

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

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

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

ownership to the permit of the new owner].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The provision of a security system to identify gun dealers that request a criminal history

record check under subsection (2) of this section; and

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

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

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

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

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

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

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

(C) **For transfers occurring on or after January 1, 2028,** verifies that the recipient has a valid *[permit-to-purchase]* **permit to purchase** the firearm or unfinished frame or receiver *[and the dealer has received a unique approval number from the department indicating successful completion of the background check].*

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

(b) For transfers occurring on or after January 1, 2028, knowingly selling or delivering a firearm or an unfinished frame or receiver to a purchaser or transferee who does not have a valid permit to purchase a firearm in violation of subsection (2)(d) of this section, or prior to receiving a unique approval number from the department based on the criminal background check in violation of subsection (3)(c) of this section, is a Class A misdemeanor.

SECTION 7. ORS 166.435 is amended to read:

166.435. (1) As used in this section:

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

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

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

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

(D) To a transferee who is in the business of repairing firearms, for the time during which the

firearm is being repaired;

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

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

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

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

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

(3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the transferee must appear in person before a gun dealer, with the firearm and, **for transfers occurring on or after January 1, 2028**, a valid permit-to-purchase issued to the transferee under ORS 166.505, and request that the gun dealer perform a criminal background check on the transferee.

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

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

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

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

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

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

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

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

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

(c) The transfer of a firearm to:

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

(B) A transferor's parent or stepparent;

(C) A transferor's child or stepchild;

(D) A transferor's sibling;

(E) A transferor's grandparent;

(F) A transferor's grandchild;

(G) A transferor's aunt or uncle;

(H) A transferor's first cousin;

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

(J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this paragraph.

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

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

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

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

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

SECTION 8. ORS 166.436 is amended to read:

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

(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by telephone **request that the department conduct a criminal background check on the recipient, verify, for transfers occurring on or after January 1, 2028, that the transferee has a valid [permit-to-purchase] permit to purchase a firearm under ORS 166.505, and [request that the department conduct a criminal background check on the recipient upon providing] provide** the following information to the department:

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

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

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

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

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

(f) The type, issuer and identification number of a current piece of identification bearing a recent photograph of the recipient presented by the recipient. The identification presented by the recipient must meet the requirements of ORS 166.412 (4)(a).

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

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

(B) Notify the transferor when a recipient is disqualified from completing the transfer or provide the transferor with a unique approval number indicating that the recipient is qualified to complete the transfer. The unique approval number is *[a permit]* **an authorization** valid for 24 hours for the

1 requested transfer. If the firearm is not transferred from the transferor to the recipient within 24
2 hours after receipt of the unique approval number, a new request must be made by the transferor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (C) The number of investigations arising from the reports made pursuant to paragraph (c) of this

subsection, the number of investigations concluded and the number of investigations referred for prosecution, all arranged by category of prohibition; and

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

(6) The recipient of the firearm must be present when the transferor requests a criminal background check under this section.

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

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

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

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

SECTION 9. ORS 166.438 is amended to read:

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

(a)(A) **For transfers occurring on or after January 1, 2028,** verifies with the Department of State Police that the recipient has a valid permit-to-purchase issued under ORS 166.505;

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

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

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

(b) Completes the transfer through a gun dealer.

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

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

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

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

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

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

SECTION 10. Nothing in the amendments to ORS 166.412, 166.435, 166.436 or 166.438 by sections 6 to 9 of this 2026 Act is intended to delay or prevent the development of the process

for issuing permits to purchase firearms under ORS 166.503, 166.505 and 166.508.

LARGE-CAPACITY MAGAZINES

SECTION 11. ORS 166.355 is amended to read:

166.355. (1) As used in this section:

(a) **“Administrator of a decedent’s estate” means a trustee as defined in ORS 130.010 if the settlor as defined in ORS 130.010 has died, a personal representative as defined in ORS 111.005 or an affiant as defined in ORS 114.505.**

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

(c) **“Beneficiary of the decedent’s estate” means a permissible distributee as defined in ORS 130.010, a distributee as defined in ORS 111.005 or a claiming successor as defined in ORS 114.505.**

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

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

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

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

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

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

(g) **“Law enforcement agency” means county sheriffs, municipal police departments, police departments established by a university under ORS 352.121 or 353.125, a county community corrections agency, the Department of State Police, the Department of Corrections, the Department of Justice or the Department of Public Safety Standards and Training.**

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

(i) **“Parole and probation officer” has the meaning given that term in ORS 181A.355.**

(j) **“Peace officer” has the meaning given that term in ORS 133.005.**

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

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

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

[(a) A licensed gun dealer that within 180 days of December 8, 2022:]

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

3 [(B) *Purchases or acquires temporary custody from an owner of any large-capacity magazine for*
4 *permanent removal from this state within 180 days of December 8, 2022;*]

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

8 [(D) *Permanently disposes of the large-capacity magazines in the gun dealer's custody or*
9 *inventory.*]

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

13 [(A) *All manufacturing is completed no later than 180 days after December 8, 2022; and]*

14 [(B) *The entity outside of Oregon receiving the large-capacity magazines is made aware in writing*
15 *on or before the delivery of the ammunition devices of the restrictions pertaining to large-capacity*
16 *magazines in this state as set forth in chapter 1, Oregon Laws 2023.*]

17 [(4)] **(3)** Subsection (2) of this section does not apply at any time to:

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

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

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

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

37 (c) Any government officer, agent or employee, member of the Armed Forces of the United
38 States or peace officer, *[as that term is defined in ORS 133.005, that]* **who** is authorized to acquire,
39 possess or use a large-capacity magazine provided that any acquisition, possession or use is related
40 *[directly]* to activities within the scope of that person's official duties.

41 **(d) A peace officer or a parole and probation officer, who acquires, possesses or uses a**
42 **large-capacity magazine, regardless of whether the acquisition, possession or use is related**
43 **to activities within the scope of the person's official duties or occurs while the person is off**
44 **duty.**

45 **(e) The importation, possession, use, purchase or transfer of a large-capacity magazine**

by a law enforcement agency for official use by the agency.

[(5) As of December 8, 2022, it shall be an affirmative defense, as provided in ORS 166.055, to the unlawful possession, use and transfer of a large-capacity magazine in this state by any person, provided that:]

[(a) The large-capacity magazine was owned by the person before December 8, 2022, and maintained in the person's control or possession; or]

[(b) The possession of a large-capacity magazine was obtained by a person who, on or after December 8, 2022, acquired possession of the large-capacity magazine by operation of law upon the death of a former owner who was in legal possession of the large-capacity magazine; and]

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

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

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

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

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

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

(4)(a) It is an affirmative defense, as provided in ORS 161.055, to a charge of unlawful possession or use of a large-capacity magazine if the defendant:

(A) Owned the large-capacity magazine before the earlier of:

(i) January 1, 2027; or

(ii) The date of a final appellate judgment reversing or vacating an injunction prohibiting the enforcement of ORS 166.355; or

(B) Acquired possession of the large-capacity magazine by operation of law upon the death of the former owner who lawfully possessed the large-capacity magazine.

(b) It is an affirmative defense, as provided in ORS 161.055, to a charge of unlawful possession or transfer of a large-capacity magazine if the defendant, while performing the duties of the administrator of a decedent's estate, possesses or transfers, but does not sell, a large-capacity magazine to a person who is a beneficiary of the decedent's estate.

[(d)] (5) It is an affirmative defense, as provided in ORS 161.055, to the unlawful possession, use and transfer of a large-capacity magazine in this state by any person that the person has permanently and voluntarily relinquished the large-capacity magazine to law enforcement or to a buyback or turn-in program approved by law enforcement, prior to the commencement of prosecution for the possession, use or transfer by arrest, citation or a formal charge.

(6) Unlawful manufacture, importation, possession, use, purchase, sale or otherwise transferring of a large-capacity magazine is a Class A misdemeanor.

SECTION 11a. (1) Notwithstanding ORS 166.355, a person may not be prosecuted for any manufacture, importation, possession, use, purchase, sale or transfer of a large-capacity

1 magazine that occurs while the enforcement of ORS 166.355 is enjoined by a court of law
2 within this state.

3 (2) If an injunction prohibiting the enforcement of ORS 166.355 is reversed or vacated by
4 an appellate court, ORS 166.355 (2) does not apply to the following conduct occurring within
5 180 days after the date of the appellate judgment reversing or vacating the injunction:

6 (a) A licensed gun dealer who:

7 (A) Transfers or sells the large-capacity magazines in the gun dealer's inventory to a
8 nonresident gun dealer or other transferee outside of this state;

9 (B) Purchases or acquires temporary custody from an owner of any large-capacity mag-
10 azine for permanent removal from this state;

11 (C) Permanently alters any large-capacity magazine in the gun dealer's inventory or
12 custody so that it is not capable, upon alteration or in the future, of accepting more than
13 10 rounds of ammunition or permanently alters the magazine so it is no longer a large-
14 capacity magazine; or

15 (D) Permanently disposes of the large-capacity magazines in the gun dealer's custody or
16 inventory.

17 (b) A firearms manufacturer, properly licensed under federal, state and local law, that
18 is a party to a contract, in existence and binding on the date the injunction is reversed or
19 vacated, with an entity outside of this state, that manufactures large-capacity magazines
20 pursuant to the contract, provided that:

21 (A) All manufacturing is completed no later than 180 days after the date the injunction
22 is reversed or vacated; and

23 (B) The entity outside of Oregon receiving the large-capacity magazines is made aware
24 in writing on or before the delivery of the ammunition devices of the restrictions pertaining
25 to large-capacity magazines in this state as set forth in ORS 166.355.

26
27 **TRANSFERS OCCURRING ON OR AFTER JANUARY 1, 2028**

28
29 **SECTION 12.** ORS 166.412, as amended by section 6 of this 2026 Act, is amended to read:

30 166.412. (1) As used in this section:

31 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

32 (b) "Department" means the Department of State Police;

33 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
34 an antique firearm;

35 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
36 921 to 929;

37 (e) "Firearms transaction thumbprint form" means a form provided by the department under
38 subsection (11) of this section;

39 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
40 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
41 otherwise;

42 (g) "Purchaser" means a person who buys, leases or otherwise receives a firearm or unfinished
43 frame or receiver from a gun dealer; and

44 (h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.

45 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the

following before a firearm or unfinished frame or receiver is delivered to a purchaser:

(a) The purchaser shall present to the gun dealer current identification meeting the requirements of subsection (4) of this section and, *[for transfers occurring on or after January 1, 2028]* **unless the exception described in subsection (15) of this section applies**, a valid permit issued under ORS 166.505.

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

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

(d) The gun dealer shall, by telephone or computer, request that the department conduct a criminal background check on the purchaser, verify, *[for transfers occurring on or after January 1, 2028]* **unless the exception described in subsection (15) of this section applies**, that the purchaser has a valid permit to purchase a firearm issued under ORS 166.505, and provide the following information to the department:

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

(B) The business name of the gun dealer;

(C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

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

(c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer receives a unique approval number from the department. Within 48 hours of completing the transfer, the dealer shall notify the department that the transfer was completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours
45 after the determination is made, unless a report would compromise an ongoing investigation, in

1 which case the report may be delayed as long as necessary to avoid compromising the investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) A gun dealer that requests a criminal background check under this subsection is immune
36 from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or
37 transferee, provided that the gun dealer:

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

39 (B) Receives a unique approval number from the department indicating successful completion
40 of the criminal background check; and

41 (C) *[For transfers occurring on or after January 1, 2028]* **Unless the exception described in**
42 **subsection (15) of this section applies**, verifies that the recipient has a valid permit to purchase
43 the firearm or unfinished frame or receiver.

44 *[(14)(a) Knowingly selling or delivering a firearm or unfinished frame or receiver to a purchaser*
45 *or transferee prior to receiving a unique approval number from the department based on the criminal*

background check in violation of subsection (3)(c) of this section is a Class A misdemeanor.]

[(b)] (14) [For transfers occurring on or after January 1, 2028,] Knowingly selling or delivering a firearm or an unfinished frame or receiver to a purchaser or transferee who does not have a valid permit to purchase a firearm in violation of subsection (2)(d) of this section **and does not qualify for the exception described in subsection (15) of this section**, or prior to receiving a unique approval number from the department based on the criminal background check in violation of subsection (3)(c) of this section, is a Class A misdemeanor.

(15) **A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm or unfinished frame or receiver purchase from a gun dealer under this section if the purchaser is a peace officer as defined in ORS 133.005 or a parole and probation officer as defined in ORS 181A.355.**

SECTION 13. ORS 166.435, as amended by section 7 of this 2026 Act, is amended to read:

166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

(3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the transferee must appear in person before a gun dealer, with the firearm and, *[for transfers occurring on or after January 1, 2028]* **unless the exception described in subsection (6) of this section applies**, a valid permit-to-purchase issued to the transferee under ORS 166.505, and request that the gun dealer perform a criminal background check on the transferee.

(b) If the transferor and the transferee reside over 40 miles from each other, the transferor may

ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated by the transferee, and the transferor need not appear before the gun dealer in person.

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

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

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

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

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

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

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

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

(c) The transfer of a firearm to:

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

(B) A transferor's parent or stepparent;

(C) A transferor's child or stepchild;

(D) A transferor's sibling;

(E) A transferor's grandparent;

(F) A transferor's grandchild;

(G) A transferor's aunt or uncle;

(H) A transferor's first cousin;

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

(J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this paragraph.

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

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

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

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

(b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the requirements of this section commits a Class B felony if the transferor has a previous conviction

under this section at the time of the offense.

(6) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm transfer under this section if the transferee is a peace officer as defined in ORS 133.005 or a parole and probation officer as defined in ORS 181A.355.

SECTION 14. ORS 166.436, as amended by section 8 of this 2026 Act, is amended to read:

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

(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by telephone request that the department conduct a criminal background check on the recipient, verify, *[for transfers occurring on or after January 1, 2028]* **unless the exception described in ORS 166.438 (7) applies**, that the transferee has a valid permit to purchase a firearm under ORS 166.505, and provide the following information to the department:

- (a) The name, address and telephone number of the transferor;
- (b) The make, model, caliber and manufacturer's number of the firearm being transferred;
- (c) The name, date of birth, race, sex and address of the recipient;
- (d) The Social Security number of the recipient if the recipient voluntarily provides that number;
- (e) The address of the place where the transfer is occurring; and
- (f) The type, issuer and identification number of a current piece of identification bearing a recent photograph of the recipient presented by the recipient. The identification presented by the recipient must meet the requirements of ORS 166.412 (4)(a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The recipient of the firearm must be present when the transferor requests a criminal background check under this section.

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

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

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

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

SECTION 15. ORS 166.438, as amended by section 9 of this 2026 Act, is amended to read:

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

(a)(A) *[For transfers occurring on or after January 1, 2028,]* Verifies with the Department of State Police that the recipient has a valid permit-to-purchase issued under ORS 166.505, **unless the exception described in subsection (7) of this section applies;**

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

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

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

(b) Completes the transfer through a gun dealer.

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

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

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

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

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

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

(7) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm transfer under this section if the recipient is a peace officer as defined in ORS 133.005 or a parole and probation officer as defined in ORS 181A.355.

SECTION 16. The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 12 to 15 of this 2026 Act become operative on January 1, 2028.

SECTION 17. The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 12 to 15 of this 2026 Act apply to firearm transfers conducted on or after January 1, 2028.

CHALLENGE TO LEGALITY OF ACT

SECTION 18. (1) Any action brought in state court challenging the legality, including the constitutionality, of this 2026 Act must be commenced in the Circuit Court for Marion County.

(2) The plaintiff in an action described in this section must serve a copy of the complaint on the Attorney General.

EFFECT ON PENDING CASE

1 **SECTION 18a.** The Legislative Assembly does not intend this 2026 Act to render moot or
2 otherwise affect any proceedings pending before the Oregon Supreme Court concerning the
3 constitutionality of Ballot Measure 114 (2022), and the court has authority to issue a judg-
4 ment on the issue of the constitutionality of Ballot Measure 114 (2022) notwithstanding any
5 amendments to chapter 1, Oregon Laws 2023, by this 2026 Act.

6
7 **CAPTIONS**
8

9 **SECTION 19.** The unit captions used in this 2026 Act are provided only for the conven-
10 ience of the reader and do not become part of the statutory law of this state or express any
11 legislative intent in the enactment of this 2026 Act.

12
13 **EMERGENCY CLAUSE**
14

15 **SECTION 20.** This 2026 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
17 on its passage.
18
