

HOUSE AMENDMENTS TO HOUSE BILL 4145

By COMMITTEE ON JUDICIARY

February 18

- 1 On page 5 of the printed bill, delete lines 37 through 39 and insert:
2 “(C) An identification card certifying that the cardholder is currently a qualified retired law
3 enforcement officer as defined in 18 U.S.C. 926C;
4 “(D) Current certification as a corrections officer as defined in ORS 181A.355;”.
5 In line 40, delete “(D)” and insert “(E)”.
6 In line 41, delete “(E)” and insert “(F)”.
7 In line 45, delete “(F)” and insert “(G)”.
8 Delete pages 16 and 17.
9 On page 18, delete lines 1 through 24 and insert:
10 “**SECTION 11.** ORS 166.355 is amended to read:
11 “166.355. (1) As used in this section:
12 “(a) ‘Administrator of a decedent’s estate’ means a trustee as defined in ORS 130.010 if
13 the settlor as defined in ORS 130.010 has died, a personal representative as defined in ORS
14 111.005 or an affiant as defined in ORS 114.505.
15 “[a] (b) ‘Armed Forces of the United States’ has the meaning given that term in ORS
16 [348.282] 352.313.
17 “(c) ‘Beneficiary of the decedent’s estate’ means a permissible distributee as defined in
18 ORS 130.010, a distributee as defined in ORS 111.005 or a claiming successor as defined in
19 ORS 114.505.
20 “[b] (d) ‘Detachable magazine’ means an ammunition feeding device that can be loaded or un-
21 loaded while detached from a firearm and readily inserted in a firearm.
22 “[c] (e) ‘Fixed magazine’ means an ammunition feeding device contained in or permanently at-
23 tached to a firearm in such a manner that the device cannot be removed without disassembly of the
24 firearm action.
25 “[d] (f) ‘Large-capacity magazine’ means a fixed or detachable magazine, belt, drum, feed strip,
26 helical feeding device, or similar device, including any such device joined or coupled with another
27 in any manner, or a kit with such parts, that has an overall capacity of, or that can be readily re-
28 stored, changed[,] or converted to accept, more than 10 rounds of ammunition and allows a shooter
29 to keep firing without having to pause to reload, but does not include any of the following:
30 “(A) An ammunition feeding device that has been permanently altered so that it is not capable,
31 now or in the future, of accepting more than 10 rounds of ammunition;
32 “(B) An attached tubular device designed to accept, and capable of operating only with 0.22
33 caliber rimfire ammunition; or
34 “(C) A tubular ammunition feeding device that is contained in a lever-action firearm.
35 “(g) ‘Law enforcement agency’ means county sheriffs, municipal police departments, po-

1 lice departments established by a university under ORS 352.121 or 353.125, a county commu-
2 nity corrections agency, the Department of State Police, the Department of Corrections, the
3 Department of Justice or the Department of Public Safety Standards and Training.

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

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

6 “(j) ‘Peace officer’ has the meaning given that term in ORS 133.005.

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

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

13 “[*(3)* Subsection (2) of this section does not apply during the first 180 days following December 8,
14 2022, with respect to:]

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

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

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

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

23 “[*(D)* Permanently disposes of the large-capacity magazines in the gun dealer’s custody or inven-
24 tory.]

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

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

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

32 “[*(4)*] (3) Subsection (2) of this section does not apply at any time to:

33 “[a] A firearms manufacturer properly licensed under federal, state and local law that manu-
34 factures large-capacity magazines, provided:

35 “[A] The manufacturing is for exclusive sale or transfer to the Armed Forces of the United
36 States or a law enforcement agency and solely for authorized use by that entity related to the offi-
37 cial duties of the entity; and

38 “[B] Any large-capacity magazine, permitted to be manufactured under paragraph (a)(A) of this
39 subsection after December 8, 2022, shall include a permanent stamp or marking indicating that the
40 large-capacity magazine was manufactured or assembled after December 8, 2022. The stamp or
41 marking must be legibly and conspicuously engraved or cast upon the outer surface of the large-
42 capacity magazine. The Department of State Police may promulgate such rules as may be necessary
43 for the implementation of this section, including but not limited to rules requiring such large-
44 capacity magazine be stamped with information indicating the limitation for use only by military and
45 law enforcement or such other identification to distinguish clearly large-capacity magazines manu-

factured after December 8, 2022. [Except as provided in subsection (3)(b) of this section,] No large-capacity magazines without such stamp may be manufactured in this state after December 8, 2022.

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

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

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

“(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.”.

On page 22, delete lines 34 through 38 and insert:

“(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.”.

On page 24, delete lines 29 through 33 and insert:

“(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.”.

On page 27, delete lines 12 through 16 and insert:

“(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.”.

After line 28, insert:

“EFFECT ON PENDING CASE”

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