

HB 4145-3  
(LC 273)  
2/13/26 (JLM/ps)

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4145**

- 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  
3      qualified retired law enforcement officer as defined in 18 U.S.C. 926C;  
4      “(D) Current certification as a corrections officer as defined in ORS  
5      181A.355;”.
- 6      In line 40, delete “(D)” and insert “(E).”  
7      In line 41, delete “(E)” and insert “(F).”  
8      In line 45, delete “(F)” and insert “(G).”  
9      Delete pages 16 and 17.
- 10     On page 18, delete lines 1 through 24 and insert:  
11     **“SECTION 11.** ORS 166.355 is amended to read:  
12     “166.355. (1) As used in this section:  
13       “(a) ‘Administrator of a decedent’s estate’ means a trustee as de-  
14       fined in ORS 130.010 if the settlor as defined in ORS 130.010 has died,  
15       a personal representative as defined in ORS 111.005 or an affiant as  
16       defined in ORS 114.505.  
17       “[*(a)*] (b) ‘Armed Forces of the United States’ has the meaning given that  
18       term in ORS [348.282] **352.313**.  
19       “(c) ‘Beneficiary of the decedent’s estate’ means a permissible  
20       distributee as defined in ORS 130.010, a distributee as defined in ORS  
21       111.005 or a claiming successor as defined in ORS 114.505.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28        “[*(A)* All manufacturing is completed no later than 180 days after December  
29 8, 2022; and]

30        “[*(B)* The entity outside of Oregon receiving the large-capacity magazines

1    *is made aware in writing on or before the delivery of the ammunition devices*  
2    *of the restrictions pertaining to large-capacity magazines in this state as set*  
3    *forth in chapter 1, Oregon Laws 2023.]*

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

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

7            “(A) The manufacturing is for exclusive sale or transfer to the Armed  
8        Forces of the United States or a law enforcement agency and solely for au-  
9        thorized use by that entity related to the official duties of the entity; and

10            “(B) Any large-capacity magazine, permitted to be manufactured under  
11        paragraph (a)(A) of this subsection after December 8, 2022, shall include a  
12        permanent stamp or marking indicating that the large-capacity magazine was  
13        manufactured or assembled after December 8, 2022. The stamp or marking  
14        must be legibly and conspicuously engraved or cast upon the outer surface  
15        of the large-capacity magazine. The **Department of State Police** may  
16        promulgate such rules as may be necessary for the implementation of this  
17        section, including but not limited to rules requiring such large-capacity  
18        magazine be stamped with information indicating the limitation for use only  
19        by military and law enforcement or such other identification to distinguish  
20        clearly large-capacity magazines manufactured after December 8, 2022. [*Ex-*  
21        *cept as provided in subsection (3)(b) of this section,*] No large-capacity maga-  
22        zines without such stamp may be manufactured in this state after December  
23        8, 2022.

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

29            “(c) Any government officer, agent or employee, member of the Armed  
30        Forces of the United States or peace officer, [*as that term is defined in ORS*

1   133.005, that] **who** is authorized to acquire, possess or use a large-capacity  
2 magazine provided that any acquisition, possession or use is related  
3 [directly] to activities within the scope of that person's official duties.

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

8   **“(e) The importation, possession, use, purchase or transfer of a**  
9 **large-capacity magazine by a law enforcement agency for official use**  
10 **by the agency.**

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

14   “[(a) *The large-capacity magazine was owned by the person before December*  
15 *8, 2022, and maintained in the person's control or possession; or]*”

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

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

22   “[(A) *On property owned or immediately controlled by the registered*  
23 *owner;]*”

24   “[(B) *On the premises of a gun dealer or gunsmith licensed under 18 U.S.C.*  
25 *923 for the purpose of lawful service or repair;]*”

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

29   “[(D) *While participating in firearms competition or exhibition, display or*  
30 *educational project about firearms sponsored, conducted by, approved or under*

1   *the auspices of a law enforcement agency or a national or state-recognized en-*  
2   *tity that fosters proficiency in firearms use or promotes firearms education;*  
3   *and]*

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

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

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

12       **“(i) January 1, 2027; or**

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

15       **“(B) Acquired possession of the large-capacity magazine by opera-**  
16       **tion of law upon the death of the former owner who lawfully possessed**  
17       **the large-capacity magazine.**

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

24       **“[(d)] (5) It is an affirmative defense, as provided in ORS 161.055, to**  
25       **the unlawful possession, use and transfer of a large-capacity magazine**  
26       **in this state by any person that** the person has permanently and volun-  
27       tarily relinquished the large-capacity magazine to law enforcement or to a  
28       buyback or turn-in program approved by law enforcement, prior to **the com-**  
29       **mencement of prosecution for the possession, use or transfer** by arrest,  
30       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.”.

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

5       “(15) A valid permit to purchase a firearm issued under ORS 166.505 is  
6 not required for a firearm or unfinished frame or receiver purchase from a  
7 gun dealer under this section if the purchaser is a peace officer as defined  
8 in ORS 133.005 or a parole and probation officer as defined in ORS  
9 181A.355.”.

10 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.”.

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

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

20 After line 28, insert:

## “EFFECT ON PENDING CASE

24       “SECTION 18a. The Legislative Assembly does not intend this 2026  
25       Act to render moot or otherwise affect any proceedings pending before  
26       the Oregon Supreme Court concerning the constitutionality of Ballot  
27       Measure 114 (2022), and the court has authority to issue a judgment  
28       on the issue of the constitutionality of Ballot Measure 114 (2022) not-  
29       withstanding any amendments to chapter 1, Oregon Laws 2023, by this  
30       2026 Act.”.

