

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3093

By COMMITTEE ON JUDICIARY

June 9

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 In line 3, after “2014” insert “, and section 2, chapter 50, Oregon Laws 2015 (Enrolled Senate
3 Bill 941); and declaring an emergency”.

4 Delete lines 8 through 23 and insert:

5 “(b) Impose eligibility requirements for the issuance of a concealed handgun license or permit
6 in that state that are of sufficient stringency that a person who qualifies for the other state’s license
7 or permit would, if an Oregon resident, also qualify for a concealed handgun license under ORS
8 166.291 and 166.292.”.

9 On page 5, after line 43, insert:

10 “**SECTION 10.** Section 2, chapter 50, Oregon Laws 2015 (Enrolled Senate Bill 941), is amended
11 to read:

12 “**Sec. 2.** (1) As used in this section:

13 “(a) **‘Firearm’ does not include a low-velocity powder-actuated tool or similar apparatus.**

14 “[*(a)*] (b) ‘Transfer’ means the delivery of a firearm from a transferor to a transferee, including,
15 but not limited to, the sale, gift, loan or lease of the firearm. ‘Transfer’ does not include the tem-
16 porary provision of a firearm to a transferee if the transferor has no reason to believe the transferee
17 is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime,
18 and the provision occurs:

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

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

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

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

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

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

32 “[*(b)*] (c) ‘Transferee’ means a person who is not a gun dealer or licensed as a manufacturer or
33 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

34 “[*(c)*] (d) ‘Transferor’ means a person who is not a gun dealer or licensed as a manufacturer or
35 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

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

4 “(3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Ex-
5 cept as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and
6 the transferee must appear in person before a gun dealer, with the firearm, and request that the gun
7 dealer perform a criminal background check on the transferee.

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

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

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

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

18 “(B) Receives notification that the transferee is prohibited by state or federal law from pos-
19 sessing or receiving the firearm, the gun dealer shall notify the transferor and neither the transferor
20 nor the gun dealer shall transfer the firearm to the transferee. If the transferor shipped or delivered
21 the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
22 comply with federal law when returning the firearm to the transferor.

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

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

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

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

31 “(c) The transfer of a firearm to:

32 “(A) A transferor’s spouse or domestic partner;

33 “(B) A transferor’s parent or stepparent;

34 “(C) A transferor’s child or stepchild;

35 “(D) A transferor’s sibling;

36 “(E) A transferor’s grandparent;

37 “(F) A transferor’s grandchild;

38 “(G) A transferor’s aunt or uncle;

39 “(H) A transferor’s first cousin;

40 “(I) A transferor’s niece or nephew; or

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

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

45 “(A) The transfer is conducted or facilitated by a personal representative, as defined in ORS

1 111.005, or a trustee of a trust created in a will; and

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

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

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

9 “**SECTION 11. This 2015 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
11 on its passage.**”

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