

# Senate Bill 675

Sponsored by Senator OLSEN

## 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 **as introduced**.

Allows person to carry concealed firearm on person or in vehicle if person can legally possess firearms under Oregon law and meets certain criteria.

Exempts certain transferees from private firearm transfer criminal background check requirement.

## A BILL FOR AN ACT

1  
2 Relating to firearms; creating new provisions; and amending ORS 166.260 and 166.435.

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

4 **SECTION 1.** ORS 166.260 is amended to read:

5 166.260. (1) ORS 166.250 does not apply to or affect:

6 (a) A parole and probation officer, police officer or reserve officer, as those terms are defined  
7 in ORS 181A.355.

8 (b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-  
9 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer  
10 or corrections officer is acting within the scope of employment.

11 (c) An honorably retired law enforcement officer, unless the person who is a retired law  
12 enforcement officer has been convicted of an offense that would make the person ineligible to obtain  
13 a concealed handgun license under ORS 166.291 and 166.292.

14 (d) Any person summoned by an officer described in paragraph (a) or (b) of this subsection to  
15 assist in making arrests or preserving the peace, while the summoned person is engaged in assisting  
16 the officer.

17 (e) The possession or transportation by any merchant of unloaded firearms as merchandise.

18 (f) Active or reserve members of:

19 (A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or of the  
20 National Guard, when on duty;

21 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

22 (C) The Public Health Service of the United States Department of Health and Human Services,  
23 when detailed by proper authority for duty with the Army or Navy of the United States.

24 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS  
25 166.250 from the United States, or from this state.

26 (h) Duly authorized military or civil organizations while parading, or the members thereof when  
27 going to and from the places of meeting of their organization.

28 (i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

29 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has  
30 been granted relief from the disability under ORS 166.274.

**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.

1 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
2 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

3 (a) *[Members of any club or organization, for the purpose of practicing shooting at targets upon*  
4 *the established target ranges, whether public or private, while such members are using any of the*  
5 *firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such*  
6 *ranges.]* **A person possessing a firearm while at an established target range, whether public**  
7 **or private, for the purpose of practicing target shooting, or while traveling to or from the**  
8 **target range, including traveling by public transportation as defined in ORS 166.116.**

9 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-  
10 turning from a hunting or fishing expedition.

11 (c) **A person protected by a stalking protective order, a restraining order as defined in**  
12 **ORS 24.190 or any other court order prohibiting another person from contacting the person,**  
13 **provided that the person:**

14 (A) **Has a pending application for a concealed handgun license under ORS 166.291 and**  
15 **166.292; or**

16 (B) **Has a scheduled appointment to submit an application for a concealed handgun li-**  
17 **cence under ORS 166.291 and 166.292.**

18 (4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses  
19 to a charge of violating ORS 166.250.

20 **SECTION 2.** ORS 166.435 is amended to read:

21 166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

1 described in subsection (3) of this section.

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

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

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

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

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

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

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

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

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

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

29 (c) The transfer of a firearm to:

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

31 (B) A transferor's parent or stepparent;

32 (C) A transferor's child or stepchild;

33 (D) A transferor's sibling;

34 (E) A transferor's grandparent;

35 (F) A transferor's grandchild;

36 (G) A transferor's aunt or uncle;

37 (H) A transferor's first cousin;

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

39 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
 40 agraph.

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

43 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
 44 111.005, or a trustee of a trust created in a will; and

45 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph

1 (c) of this subsection.

2 (e) **The transfer of a firearm to a transferee who is a certified participant in the Address**  
3 **Confidentiality Program under ORS 192.820 to 192.868.**

4 (f) **The transfer of a firearm to a transferee who is protected by a stalking protective**  
5 **order, a restraining order as defined in ORS 24.190 or any other court order prohibiting an-**  
6 **other person from contacting the transferee, provided that the transferee is not otherwise**  
7 **prohibited from possessing a firearm.**

8 (g) **The transfer of a firearm to a transferee with a driver license bearing a continuous**  
9 **traveler residence address.**

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

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

15 **SECTION 3. (1) The amendments to ORS 166.260 by section 1 of this 2017 Act apply to**  
16 **firearm possessions occurring on or after the effective date of this 2017 Act.**

17 **(2) The amendments to ORS 166.435 by section 2 of this 2017 Act apply to firearm trans-**  
18 **fers occurring on or after the effective date of this 2017 Act.**

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