

House Bill 2251

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

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**.

Defines "assault rifle." Prohibits transfer of handgun or assault rifle to person under 21 years of age. Punishes violation by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Restricts transfer of firearm by gun dealer or private party if Department of State Police is unable to determine whether recipient is qualified to receive firearm. Authorizes transfer after 30 days as long as gun dealer or transferor does not know or have reason to believe recipient is disqualified from completing transfer.

Provides that person subject to certain court protective orders is prohibited from possessing firearms if person had opportunity to be heard on order and failed to request hearing. Punishes violation of prohibition by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Requires court to order relinquishment of firearms when person is convicted of certain domestic violence offenses or subject to certain court orders. Requires person to transfer firearms within 24 hours of court order and to file affidavit within 48 hours of court order.

Requires hospitals to submit data concerning patients with injuries caused by firearms to Oregon Health Authority and to electronic emergency medical services data system managed by authority.

Creates crime of endangering a minor by allowing access to a firearm. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Prohibits possession of firearm by person convicted of endangering a minor by allowing access to a firearm for five-year period after conviction. Creates process for obtaining relief from prohibition. Provides that minor may lawfully possess firearm only with permission of parent or guardian.

Prohibits transfer of firearm to person convicted of endangering a minor by allowing access to a firearm for five-year period after conviction. Requires permission of minor's parent or guardian for temporary transfer of firearm to minor.

Requires gun dealer to post notice concerning obligation to prevent minors from accessing firearm without consent of minor's parent or guardian.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.210, 166.250, 166.255, 166.274,
3 166.412, 166.435, 166.436 and 166.470.

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

5 **SECTION 1.** ORS 166.210 is amended to read:

6 166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470:

7 (1) **"Action of the rifle" means the part of a rifle that loads, fires and ejects a cartridge,**
8 **including but not limited to the upper and lower receiver, charging handle, forward assist**
9 **or magazine release.**

10 [(1)] (2) "Antique firearm" means:

11 (a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type
12 of ignition system, manufactured in or before 1898; and

13 (b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

14 (A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition;

15 or

16 (B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in
17 the United States and that is not readily available in the ordinary channels of commercial trade.

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)(a) "Assault rifle" means:

2 (A) A selective-fire rifle capable of fully automatic, semiautomatic or burst fire at the
 3 option of the user, or any of the following: Algimec Agmi, Armalite AR-180, Avtomat
 4 Kalashnikov AK-47 type, Barrett Light-Fifty model 82A1, Beretta AR-70, Bushmaster Auto
 5 Rifle, Calico model M-900, Chartered Industries of Singapore SR-88, Colt AR-15 or Sporter,
 6 Daewoo K-1, Daewoo K-2, Daewoo Max-1, Daewoo Max-2, Fabrique Nationale FN/FAL,
 7 Fabrique Nationale FN/LAR, Fabrique Nationale FN/FNC, FAMAS MAS 223, Feather AT-9
 8 or Mini-AT, Federal XC-900 or XC-450, Galil AR or ARM, Heckler & Koch HK-91, Heckler &
 9 Koch HK-93, Heckler & Koch HK-94, Ruger Mini-14/5F with folding stock, SIG 57 AMT or 500
 10 series, Spectre Auto Carbine, Springfield Armory BM59, Springfield Armory SAR-48,
 11 Springfield Armory G-3, Sterling MK-6, Steyr AUG, UZI Carbine or Mini-Carbine or Weaver
 12 Arms Nighthawk;

13 (B) Any of the following semiautomatic centerfire rifles: AK-47, AK-74, AKM, AKS-74U,
 14 ARM, MAADI AK47, MAK90, MISR, NHM90, NHM91, Norinco 56, Norinco 56S, Norinco 84S,
 15 Norinco 86S, Poly Technologies AKS or AK-47, SA 85, SA 93, VEPR, WASR-10, WUM, Rock
 16 River Arms LAR-47, Vector Arms AK-47, AR-10, AR-15, Bushmaster Carbon 15 Rifle,
 17 Bushmaster XM15 Rifle, Bushmaster ACR Rifle, Bushmaster MOE Rifle, Colt Match Target
 18 Rifle, Armalite M15, Olympic Arms AR-15 Rifle, Olympic Arms A1 Rifle, Olympic Arms CAR
 19 Rifle, Olympic Arms PCR Rifle, Olympic Arms K3B Rifle, Olympic Arms K30R Rifle, Olympic
 20 Arms K16 Rifle, Olympic Arms K48 Rifle, Olympics Arms K8 Rifle, Olympic Arms K9 Rifle,
 21 DPMS Tactical Rifle, Smith and Wesson M&P15 Rifle, Rock River Arms LAR-15, Doublestar
 22 AR Rifle, Barrett REC7, Beretta Storm, Calico Liberty 50 or 50 Tactical Rifle, Calico Liberty
 23 100 or 100 Tactical Rifle, Calico Liberty I or I Tactical Rifle, Calico Liberty II or II Tactical
 24 Rifle, Hi-Point Carbine Rifle, HK-PSG-1, Kel-Tec Sub-2000, Kel-Tec SU Rifle, Kel-Tec RFB,
 25 Remington Tactical Rifle Model 7615, SAR-8, SAR-4800, SR9, SLG 95, SLR 95 or 96, TNW M230
 26 or M2HB, Vector Arms UZI, Galil or Galil Sporter, Daewoo AR 100 or AR 110C, Fabrique
 27 Nationale/FN 308 Match or L1A1 Sporter, HK USC, IZHMAASH Saiga AK, SIG Sauer 551-A1
 28 Rifle, SIG Sauer 556 Rifle, SIG Sauer 516 Rifle, SIG Sauer 716 Rifle, SIG Sauer M400 Rifle,
 29 Valmet M62S, Valmet M71S, Valmet M78S, Wilkinson Arms Linda Carbine or Barrett
 30 M107A1;

31 (C) A copy or duplicate of a firearm described in paragraph (a)(A) or (B) of this sub-
 32 section with the same capability as the copied or duplicated firearm;

33 (D) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine
 34 and has at least one of the following:

35 (i) A folding or telescoping stock;

36 (ii) Any grip of the rifle, including a pistol grip, a thumbhole stock or any other stock,
 37 the use of which would allow an individual to grip the rifle in a manner resulting in any
 38 finger on the trigger hand, in addition to the trigger finger, being below any portion of the
 39 action of the rifle when firing;

40 (iii) A forward pistol grip;

41 (iv) A flash suppressor; or

42 (v) A grenade launcher or flare launcher;

43 (E) A semiautomatic centerfire rifle that has a fixed magazine with the ability to accept
 44 more than ten rounds;

45 (F) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;

1 or

2 (G) A part or combination of parts designed or intended to convert a rifle into an assault
 3 rifle as described in paragraphs (a)(D) to (F) of this subsection, or that can be assembled into
 4 an assault rifle as described in paragraphs (a)(D) to (F) of this subsection.

5 (b) “Assault rifle” does not include any firearm modified to render it permanently inop-
 6 erable.

7 [(2)] (4) “Corrections officer” has the meaning given that term in ORS 181A.355.

8 (5) “Detachable magazine” means an ammunition feeding device that can be removed
 9 without disassembling the action of the rifle.

10 [(3)] (6) “Firearm” means a weapon, by whatever name known, which is designed to expel a
 11 projectile by the action of powder.

12 [(4)] (7) “Firearms silencer” means any device for silencing, muffling or diminishing the report
 13 of a firearm.

14 (8) “Forward pistol grip” means a feature on a firearm capable of functioning as a grip
 15 that can be held by the nontrigger hand.

16 [(5)] (9) “Handgun” means any pistol or revolver using a fixed cartridge containing a propellant
 17 charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

18 [(6)] (10) “Machine gun” means a weapon of any description by whatever name known, loaded
 19 or unloaded, which is designed or modified to allow two or more shots to be fired by a single pres-
 20 sure on the trigger device.

21 [(7)] (11) “Minor” means a person under 18 years of age.

22 [(8)] (12) “Offense” has the meaning given that term in ORS 161.505.

23 [(9)] (13) “Parole and probation officer” has the meaning given that term in ORS 181A.355.

24 [(10)] (14) “Peace officer” has the meaning given that term in ORS 133.005.

25 (15) “Pistol grip” means a grip or similar feature that can function as a grip for the
 26 trigger hand.

27 [(11)] (16) “Short-barreled rifle” means a rifle having one or more barrels less than 16 inches in
 28 length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

29 [(12)] (17) “Short-barreled shotgun” means a shotgun having one or more barrels less than 18
 30 inches in length and any weapon made from a shotgun if the weapon has an overall length of less
 31 than 26 inches.

32 **SECTION 2.** ORS 166.470 is amended to read:

33 166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or
 34 the expunction laws of this state or an equivalent law of another jurisdiction, a person may not in-
 35 tentiously sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
 36 should know that the recipient:

37 (a)(A) Is under 18 years of age, **for the transfer of a firearm other than a handgun or as-**
 38 **sault rifle;**

39 **(B) Is under 21 years of age, for the transfer of a handgun or assault rifle;**

40 (b) Has been convicted of a felony;

41 (c) Has any outstanding felony warrants for arrest;

42 (d) Is free on any form of pretrial release for a felony;

43 (e) Was committed to the Oregon Health Authority under ORS 426.130;

44 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
 45 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result

1 of that mental illness;

2 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
 3 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
 4 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
 5 163.187, 163.190, 163.195 or 166.155 (1)(b);

6 (h) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
 7 or possessing a firearm; [or]

8 (i) Has been found guilty except for insanity under ORS 161.295 of a felony[.]; **or**

9 **(j) Has been convicted of endangering a minor by allowing access to a firearm under**
 10 **section 10 of this 2019 Act within the five years immediately preceding the date of the at-**
 11 **tempted sale, delivery or transfer.**

12 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
 13 reasonably should know is stolen.

14 (3) Subsection (1)(a) of this section does not prohibit:

15 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
 16 minor from transferring to the minor a firearm, other than a handgun **or assault rifle**; or

17 (b) The temporary transfer of any firearm to a minor, **with the permission of the minor’s**
 18 **parent or guardian**, for hunting, target practice or any other lawful purpose.

19 (4) Violation of this section is a Class A misdemeanor.

20 **SECTION 3.** ORS 166.412, as amended by section 4, chapter 5, Oregon Laws 2018, and section
 21 15, chapter 120, Oregon Laws 2018, is amended to read:

22 166.412. (1) As used in this section:

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

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

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

27 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.
 28 921 to 929;

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

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

34 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a gun
 35 dealer.

36 (2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply
 37 with the following before a firearm is delivered to a purchaser:

38 (a) The purchaser shall present to the gun dealer current identification meeting the require-
 39 ments of subsection (4) of this section.

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

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

45 (d) The gun dealer shall request by telephone that the department conduct a criminal [history

1 *record*] **background** check on the purchaser and shall provide the following information to the de-
 2 partment:

- 3 (A) The federal firearms license number of the gun dealer;
- 4 (B) The business name of the gun dealer;
- 5 (C) The place of transfer;
- 6 (D) The name of the person making the transfer;
- 7 (E) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 8 (F) The name and date of birth of the purchaser;
- 9 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
 10 number to the gun dealer; and
- 11 (H) The type, issuer and identification number of the identification presented by the purchaser.

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

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

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

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

21 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
 22 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
 23 complete the transfer.

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

28 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
 29 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection [*before the close*
 30 *of the gun dealer's next business day following*] **within 30 days from** the request by the gun dealer
 31 for a criminal [*history record*] **background** check, the gun dealer may deliver the firearm to the
 32 purchaser **if the dealer does not know or have reason to believe that the purchaser is dis-**
 33 **qualified from completing the transfer.**

34 (d) **The department shall by rule create procedures:**

35 (A) **Allowing a purchaser determined to be disqualified from completing a transfer under**
 36 **this section to contact the department to obtain the reason for the disqualification;**

37 (B) **Allowing the disqualified purchaser to submit to the department additional informa-**
 38 **tion concerning the disqualification; and**

39 (C) **Requiring the department to determine, within five days of receiving any additional**
 40 **information under subparagraph (B) of this paragraph, whether the purchaser is qualified to**
 41 **complete a transfer of a firearm and to notify the purchaser of the determination.**

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

44 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
 45 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-

1 tional governmental organization or an international quasi-governmental organization; and

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

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

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

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

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

17 (7)(a) The department may retain a record of the information obtained during a request for a
18 criminal [*history record*] **background** check for no more than five years.

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

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

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

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

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

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

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

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

45 (A) The number of purchasers whom the department determined were prohibited from possessing

1 a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

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

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

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

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

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

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

16 (c) The provision of a security system to identify gun dealers that request a criminal [*history*
17 *record*] **background** check under subsection (2) of this section; and

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

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

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

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

26 (b) A gun dealer that requests a criminal background check under this subsection is immune
27 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun
28 dealer requests the criminal background check as described in this section.

29 **SECTION 4.** ORS 166.435 is amended to read:

30 166.435. (1) As used in this section:

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

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

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

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

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

45 (E) To a transferee who is in the business of making or repairing custom accessories for

1 firearms, for the time during which the accessories are being made or repaired; or

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

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

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

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

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

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

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

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

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

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

30 (C) **Receives notification that the department is unable to determine if the transferee is**
31 **qualified to complete or disqualified from completing the transfer, the gun dealer shall notify**
32 **the transferor and neither the gun dealer nor the transferor shall transfer the firearm to**
33 **the transferee.**

34 (e) **Notwithstanding paragraph (d) of this subsection, if the department fails to provide**
35 **a unique approval number to the gun dealer or to notify the gun dealer that the transferee**
36 **is prohibited from possessing or receiving the firearm within 30 days of the criminal back-**
37 **ground check request, the gun dealer shall notify the transferor and the transferor may**
38 **transfer the firearm to the transferee if the transferor does not know or have reason to**
39 **believe that the transferee is disqualified from completing the transfer.**

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

42 (g) **The department shall by rule create procedures:**

43 (A) **Allowing a transferee determined to be disqualified from completing a transfer under**
44 **this section to contact the department to obtain the reason for the disqualification;**

45 (B) **Allowing the disqualified transferee to submit to the department additional informa-**

1 **tion concerning the disqualification; and**

2 **(C) Requiring the department to determine, within five days of receiving any additional**
 3 **information under subparagraph (B) of this paragraph, whether the transferee is qualified**
 4 **to complete a transfer of a firearm and to notify the transferee of the determination.**

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

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

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

11 (c) The transfer of a firearm to:

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

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

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

15 (D) A transferor's sibling;

16 (E) A transferor's grandparent;

17 (F) A transferor's grandchild;

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

19 (H) A transferor's first cousin;

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

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

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

25 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
 26 111.005, or a trustee of a trust created in a will; and

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

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

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

34 **SECTION 5.** ORS 166.436, as amended by section 5, chapter 5, Oregon Laws 2018, and section
 35 16, chapter 120, Oregon Laws 2018, is amended to read:

36 166.436. (1) The Department of State Police shall make the telephone number established under
 37 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
 38 sons who are not gun dealers and who are transferring firearms at gun shows.

39 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer may re-
 40 quest by telephone that the department conduct a criminal background check on the recipient and
 41 shall provide the following information to the department:

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

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

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

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

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

2 (f) The type, issuer and identification number of a current piece of identification bearing a re-
3 cent photograph of the recipient presented by the recipient. The identification presented by the re-
4 cipient must meet the requirements of ORS 166.412 (4)(a).

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

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

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

15 (b) If the department is unable to determine whether the recipient is qualified for or disqualified
16 from completing the transfer within 30 minutes of receiving the request, the department shall notify
17 the transferor and provide the transferor with an estimate of the time when the department will
18 provide the requested information. **If the department does not provide the information within
19 30 days of the date of the criminal background check request, the transferor may deliver the
20 firearm to the recipient as long as the transferor does not know or have reason to believe
21 that the recipient is disqualified from completing the transfer.**

22 (c) **The department shall by rule create procedures:**

23 (A) **Allowing a recipient determined to be disqualified from completing a transfer under
24 this section to contact the department to obtain the reason for the disqualification;**

25 (B) **Allowing the disqualified recipient to submit to the department additional information
26 concerning the disqualification; and**

27 (C) **Requiring the department to determine, within five days of receiving any additional
28 information under subparagraph (B) of this paragraph, whether the recipient is qualified to
29 complete a transfer of a firearm and to notify the recipient of the determination.**

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

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

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

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

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

1 curred.

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

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

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

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

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

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

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

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

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

24 (6) The recipient of the firearm must be present when the transferor requests a criminal back-
 25 ground check under this section.

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

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

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

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

37 **SECTION 6.** ORS 166.255, as amended by section 1, chapter 5, Oregon Laws 2018, is amended
 38 to read:

39 166.255. (1) It is unlawful for a person to knowingly possess a firearm or ammunition if:

40 (a) The person is the subject of a court order that:

41 (A)(i) Was issued or continued after a hearing for which the person had actual notice and during
 42 the course of which the person had an opportunity to be heard; **or**

43 (ii) **Remains in effect after the person received notice of the opportunity to request a**
 44 **hearing in which to be heard on the order and declined to request a hearing during the time**
 45 **period in which the opportunity was available;**

1 (B) Restrains the person from stalking, intimidating, molesting or menacing a family or house-
2 hold member of the person, a child of a family or household member of the person or a child of the
3 person; and

4 (C) Includes a finding that the person represents a credible threat to the physical safety of a
5 family or household member of the person, a child of a family or household member of the person
6 or a child of the person;

7 (b) The person has been convicted of a qualifying misdemeanor and, at the time of the offense,
8 the person was:

9 (A) A family or household member of the victim of the offense; or

10 (B) A parent or guardian of the victim of the offense; or

11 (c) The person has been convicted of stalking under ORS 163.732.

12 (2) The prohibition described in subsection (1)(a) of this section does not apply with respect to
13 the transportation, shipment, receipt, possession or importation of any firearm or ammunition im-
14 ported for, sold or shipped to or issued for the use of the United States Government or any federal
15 department or agency, or any state or department, agency or political subdivision of a state.

16 (3) As used in this section:

17 (a) "Convicted" means:

18 (A) The person was represented by counsel or knowingly and intelligently waived the right to
19 counsel;

20 (B) The case was tried to a jury, if the crime was one for which the person was entitled to a
21 jury trial, or the person knowingly and intelligently waived the person's right to a jury trial; and

22 (C) The conviction has not been set aside or expunged, and the person has not been pardoned.

23 (b) "Deadly weapon" has the meaning given that term in ORS 161.015.

24 (c) "Family or household member" has the meaning given that term in ORS 135.230.

25 (d) "Possess" has the meaning given that term in ORS 161.015.

26 (e) "Qualifying misdemeanor" means a misdemeanor that has, as an element of the offense, the
27 use or attempted use of physical force or the threatened use of a deadly weapon.

28 **SECTION 7. (1) When a person becomes subject to a court order described in ORS 166.255**
29 **(1)(a) at a hearing at which the person is present, or upon conviction for an offense described**
30 **in ORS 166.255 (1)(b) or (c), the court shall:**

31 **(a) Inform the person that the person is prohibited from possessing firearms;**

32 **(b) Order in writing that the person transfer all firearms in the defendant's possession**
33 **in accordance with subsection (2) of this section; and**

34 **(c) Order that the person file with the court an affidavit described in subsection (3) of**
35 **this section.**

36 **(2)(a) Within 24 hours of the court's order under subsection (1) of this section, the person**
37 **shall transfer all firearms in the person's possession to a local law enforcement agency or**
38 **to a gun dealer as defined in ORS 166.412.**

39 **(b) A law enforcement agency or gun dealer receiving a firearm pursuant to this section**
40 **shall issue to the person a written proof of transfer. The proof of transfer must include the**
41 **person's name, the date of transfer, and the serial number, make and model of each trans-**
42 **ferred firearm.**

43 **(c) A law enforcement agency shall accept any firearm transferred under this section and**
44 **may destroy the firearm after providing notice to the person.**

45 **(d) A gun dealer may purchase or may accept for storage a firearm transferred under**

1 this section. The gun dealer may sell a firearm purchased under this section.

2 (3) Within 48 hours, excluding Saturdays, Sundays and holidays, of the court's order un-
 3 der subsection (1) of this section, the person shall file with the court:

4 (a) An affidavit attesting that all firearms in the person's possession at the time of sen-
 5 tencing have been transferred under subsection (2) of this section and that the person no
 6 longer is in possession of any firearms, accompanied by a copy of the proof of transfer;

7 (b) An affidavit attesting that the person was not in possession of any firearms at the
 8 time of the court's order and continues to not possess any firearms; or

9 (c) An affidavit indicating that the person is asserting the person's right against self-
 10 incrimination.

11 (4) A person in possession of a firearm in violation of ORS 166.255 (1) who is subject to
 12 a court order under subsection (1) of this section may not be prosecuted under ORS 166.250
 13 until 24 hours after the court's order.

14 (5)(a) Upon the filing by the prosecuting attorney or a law enforcement officer of an af-
 15 fidavit alleging that a person has failed to file the affidavit described in subsection (3) of this
 16 section, the court shall determine whether probable cause exists that the person is unlaw-
 17 fully in possession of a firearm under ORS 166.250. If the court finds probable cause, the
 18 court may issue a warrant pursuant to ORS 133.545 for the search for and seizure of firearms
 19 in the possession of the person.

20 (b) The court may consider the failure to file an affidavit under subsection (3) of this
 21 section when making a determination of probable cause.

22 **SECTION 8.** (1) Each hospital licensed to operate in this state shall submit to the Oregon
 23 Health Authority, as prescribed by the authority by rule, emergency department discharge
 24 records for any patient receiving treatment for an injury caused by a firearm.

25 (2) The authority shall establish by rule standards for the data submitted to the authority
 26 under this section.

27 (3) The authority shall notify any entity submitting data under this section of any
 28 changes to the data sets that must be submitted, no later than July 1 of the calendar year
 29 preceding the year in which the changes become effective.

30 (4) The authority may contract with a third party to receive and process the records
 31 submitted under this section.

32 **SECTION 9.** (1) Each hospital licensed to operate in this state shall report to the elec-
 33 tronic emergency medical services data system managed by the Oregon Health Authority
 34 patient outcome data for any patient receiving treatment for an injury caused by a firearm.

35 (2) The authority by rule shall specify the patient encounter data elements to be trans-
 36 ferred from the electronic emergency medical services data system to the Oregon Trauma
 37 Registry and shall establish the procedures for the electronic transfer of the patient en-
 38 counter data.

39 (3) Patient outcome data includes:

40 (a) The health outcomes of the patient;

41 (b) The patient's chief complaint, the diagnosis the patient received in the emergency
 42 department and any procedures performed on the patient; and

43 (c) Demographic or standard health care information and other information as required
 44 by the authority by rule.

45 (4) Data provided pursuant to this section shall be:

1 (a) Treated as a confidential medical record and not disclosed; and

2 (b) Considered privileged data under ORS 41.675 and 41.685.

3 (5) Data provided pursuant to this section may be used for quality assurance, quality
4 improvement, epidemiological assessment and investigation, public health critical response
5 planning, prevention activities and other purposes that the authority determines necessary.

6 (6) The authority may adopt rules to carry out this section.

7 **SECTION 10.** (1) A person commits the crime of endangering a minor by allowing access
8 to a firearm if:

9 (a) The person possesses an operable firearm within premises under the person's control;

10 (b) The firearm is in a location where the person knows or reasonably should know that
11 a minor could gain access to the firearm; and

12 (c) A minor obtains the firearm without the consent of the minor's parent or legal
13 guardian.

14 (2) Subsection (1) of this section does not apply if:

15 (a) The minor obtains the firearm as the result of an unlawful entry into the premises
16 by any person;

17 (b) The firearm is located in a locked container;

18 (c) The firearm is locked with a device that:

19 (A) Is designed to prevent unauthorized users of the firearm from firing the firearm; and

20 (B) Has rendered the firearm temporarily inoperable; or

21 (d) The person is a peace officer or a servicemember as defined in ORS 135.881 and the
22 minor obtains the firearm during or incidental to the performance of the person's duties as
23 a peace officer or servicemember.

24 (3) Endangering a minor by allowing access to a firearm is a Class A misdemeanor.

25 (4) As used in this section:

26 (a) "Firearm" has the meaning given that term in ORS 166.210.

27 (b) "Minor" has the meaning given that term in ORS 166.210.

28 (c) "Possess" has the meaning given that term in ORS 161.015.

29 **SECTION 11.** A gun dealer, as defined in ORS 166.412, shall post in a prominent location
30 in the gun dealer's place of business a notice in block letters not less than one inch in height
31 that states: "The owner of a firearm has an obligation to prevent a minor from accessing
32 firearms without the consent of the minor's parent or legal guardian. If a minor obtains
33 access to a firearm without the consent of the minor's parent or legal guardian, the owner
34 may be guilty of a crime."

35 **SECTION 12.** ORS 166.250 is amended to read:

36 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,
37 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession
38 of a firearm if the person knowingly:

39 (a) Carries any firearm concealed upon the person;

40 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
41 cle; or

42 (c) Possesses a firearm and:

43 (A) Is under 18 years of age;

44 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
45 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-

1 involving violence, as defined in ORS 166.470; and

2 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
3 charged under this section;

4 (C) Has been convicted of a felony;

5 (D) Was committed to the Oregon Health Authority under ORS 426.130;

6 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
7 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

8 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
9 or possessing a firearm;

10 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; [*or*]

11 (H) The possession of the firearm by the person is prohibited under ORS 166.255[.]; **or**

12 **(I) Has been convicted of endangering a minor by allowing access to a firearm under**
13 **section 10 of this 2019 Act within five years prior to being charged under this section.**

14 (2) This section does not prohibit:

15 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
16 sessed a firearm:

17 (A) Other than a handgun **or assault rifle**, if the firearm was transferred to the minor by the
18 minor's parent or guardian or by another person with the consent of the minor's parent or guardian;
19 or

20 (B) Temporarily for hunting, target practice or any other lawful purpose, **with the permission**
21 **of the minor's parent or guardian;** or

22 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
23 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
24 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
25 residence or place of business any handgun, and no permit or license to purchase, own, possess or
26 keep any such firearm at the person's place of residence or place of business is required of any such
27 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
28 while used, for whatever period of time, as residential quarters.

29 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

30 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
31 cessible within the meaning of this section if the handgun is within the passenger compartment of
32 the vehicle.

33 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
34 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
35 sible within the meaning of this section if:

36 (A) The handgun is stored in a closed and locked glove compartment, center console or other
37 container; and

38 (B) The key is not inserted into the lock, if the glove compartment, center console or other
39 container unlocks with a key.

40 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
41 readily accessible within the meaning of this section if:

42 (A) The handgun is in a locked container within or affixed to the vehicle; or

43 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
44 discharge of the firearm.

45 (5) Unlawful possession of a firearm is a Class A misdemeanor.

SECTION 13. ORS 166.274 is amended to read:

166.274. (1) Except as provided in subsection (11) of this section, a person barred from possessing or receiving a firearm may file a petition for relief from the bar in accordance with subsection (2) of this section if:

(a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A), (C), [or] (H) or (I) or 166.270; or

(b) The person is barred from receiving a firearm under ORS 166.470 (1)(a) or (b) or, if the person has been convicted of a misdemeanor involving violence, ORS 166.470 (1)(g).

(2) A petition for relief described in this section must be filed in the circuit court in the petitioner's county of residence.

(3) A person may apply once per calendar year for relief under the provisions of this section.

(4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

(A) The city chief of police if the court in which the petition is filed is located in a city; or

(B) The sheriff of the county in which the court is located.

(b) The copy of the petition shall be served on the chief of police or sheriff at the same time the petition is filed at the court.

(5)(a) When a petition is denied, the judge shall cause that information to be entered into the Department of State Police computerized criminal history files.

(b) When a petition is granted, the judge shall cause that information and a fingerprint card of the petitioner to be entered into the Department of State Police computerized criminal history files. If, after a petition is granted, the petitioner is arrested and convicted of a crime that would disqualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall notify the court that granted relief under this section. The court shall review the order granting relief and determine whether to rescind the order. The Department of State Police may charge a reasonable fee, under ORS 192.324, for the entry and maintenance of information under this section.

(6) Notwithstanding the provisions of ORS 9.320, 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.

(7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner does not pose a threat to the safety of the public or the petitioner.

(8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall then make findings and conclusions and issue a judgment based on the findings and conclusions in accordance with the requirements of law.

(9) A person filing a petition under this section must pay the filing fee established under ORS 21.135.

(10)(a) Initial appeals of petitions shall be heard de novo.

(b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the same manner as for any other civil action.

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

(11) The court may not grant relief under this section to a person who:

(a) Has been convicted of a person felony, as that term is defined in the rules of the Oregon Criminal Justice Commission, or the statutory counterpart to a person felony in any other jurisdic-

1 tion, if the offense involved the use of a firearm or a deadly weapon as defined in ORS 161.015;

2 (b) Has been convicted of an offense listed in ORS 137.700 or the statutory counterpart to an
3 offense listed in ORS 137.700 in any other jurisdiction; or

4 (c) Is currently serving a felony sentence as defined in ORS 10.030 or has served a felony sen-
5 tence in the one-year period preceding the filing of the petition.

6 **SECTION 14. Sections 7, 8, 9, 10 and 11 of this 2019 Act and the amendments to ORS**
7 **166.210, 166.250, 166.255, 166.274, 166.412, 166.435, 166.436 and 166.470 by sections 1 to 6, 12 and**
8 **13 of this 2019 Act apply to conduct occurring on or after the effective date of this 2019 Act.**

9
