

SB 348 A STAFF MEASURE SUMMARY**Senate Committee On Judiciary****Action Date:** 04/04/23**Action:** Do pass with amendments. Requesting referral to Ways and Means. (Printed A-Eng.)**Vote:** 3-2-0-0**Yeas:** 3 - Gelser Blouin, Manning Jr, Prozanski**Nays:** 2 - Linthicum, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Adrienne Anderson, LPRO Analyst**Meeting Dates:** 3/27, 3/27, 4/4**WHAT THE MEASURE DOES:**

Provides that a permit to purchase a firearm is not required until July 1, 2024. Provides that a permit to purchase a .22 caliber rimfire ammunition; a muzzleloader rifle; or a shotgun with a pump, break, level, revolving action, and the other firearms listed in ORS 166.250(2)(b) is not required until July 1, 2026. Provides that a person may not apply for a permit if within the previous four years, they have been convicted or found guilty except for insanity of a misdemeanor involving violence as defined in ORS 166.470. Provides that a permit agent may deny an application for a permit if they have reasonable grounds to conclude that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large. Exempts from disclosure as a public record the record of information obtained during the permit application process. Raises the fee for an initial permit from \$65 to \$150 and a renewal permit from \$50 to \$110. Exempts active-duty state, federal, or tribal police officers with valid Department of Public Safety Standards and Training identification and active-duty members of the Armed Forces of the United States with valid identification, from the permit to purchase requirement. Expands proof of completion of the required training course to include: prior or current certification as a state, federal, or tribal police officer, corrections officer, or armed parole and probation officer; proof of qualification with a pistol, rifle, or other small arms while serving in the Armed Forces as documented on a federal DD Form 214, if the qualification occurred in the last 10 years; or current certification as an armed private security professional. Increases the number of days, from 30 to 60, the permit agent has to approve or deny the permit application. Requires a 72-hour wait period between the purchase of a firearm and the transfer of a firearm from a gun dealer to the purchaser. Requires the Department of Oregon State Police (OSP) to file an annual report, for each county, documenting the racial and gender information of each applicant within the total number of permits granted, denied, and the reason for the denial, without personally identifiable information. States that OSP must send the permit agent, in writing, whether an applicant is qualified or disqualified and the reasons for the disqualification. Allows a person to apply for a permit if they are 18 years of age, but clarifies the permit is only valid for the firearms listed in ORS 166.250(2)(b) while the permit holder is under 21 years of age. Requires any action challenging the legality or constitutionality of the Act to commence in the Circuit Court for Marion County. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- The term "otherwise acquire" covers private transfers of firearms where there isn't a purchase and does not apply to nontransfers of firearms
- The "reasonable grounds" language mimics the concealed handgun license statute
- No location requirement for the firearms safety course; costs may differ depending on location
- Evidence needed to prove the affirmative defense for large capacity magazines
- What happens if a person purchased a large capacity magazine after December 8, 2022

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In November 2022, Oregon voters passed Ballot Measure (BM) 114, which required anyone purchasing a firearm to take a firearm safety training course and obtain a permit. It also banned large capacity magazines holding more than ten rounds and closed the "Charleston loophole," which allowed firearm transfers to go forward if the background check had not been completed after three days. In December 2022, Judge Immergut in the Oregon U.S. District Court denied a request by the Oregon Firearms Federation and other plaintiffs to temporarily prevent implementation of the large-capacity magazine restrictions in BM 114. Judge Immergut ruled that BM 114 could take effect pending further arguments, but allowed the state to postpone the implementation of the permit requirement until the systems needed to administer it were in place. In February 2023, the Oregon Supreme Court denied a petition to overturn a lower court ruling blocking the measure in its entirety. In a separate county-level case, Joseph Arnold, et al v. Ellen Rosenblum, et al, Judge Raschio granted a preliminary injunction blocking the implementation of the law.

Senate Bill 348 A requires a permit to purchase a firearm, other than a .22 caliber rimfire ammunition, a muzzleloader rifle, a pump, break, lever, or revolving action shotgun, or other similar firearms on or after July 1, 2024, and requires a permit to purchase all firearms on or after July 1, 2026. It provides that only persons 21 years of age or older may use the permit to purchase a handgun or semi-automatic firearm. SB 348 A increases the number of days, from 30 to 60, the permit agent has to approve or deny a permit application and requires a 72-hour wait period between the purchase and transfer of a firearm from a gun dealer. SB 348 A requires any action challenging the legality or constitutionality of the Act to commence in the Circuit Court for Marion County and it declares an emergency, effective upon passage.