

# House Bill 3513

Sponsored by Representative TRAN, Senator BOQUIST; Representatives CHAICHI, SCHARF

## 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**.

Authorizes federal firearms licensee or other person to enter into firearm hold agreement with firearm owner. Provides immunity from liability for person who takes possession of firearm pursuant to firearm hold agreement except in actions arising from unlawful conduct.

Directs Oregon Health Authority to establish grant program to fund storage of firearms pursuant to firearm hold agreement. Appropriates moneys to authority to fund grants.

Requires that training course for concealed handgun license include use of firearm hold agreements for firearm suicide prevention.

Provides that transfer of firearm pursuant to firearm hold agreement is exempt from private transfer criminal background check requirement.

## A BILL FOR AN ACT

1  
2 Relating to firearm hold agreements; creating new provisions; and amending ORS 166.291 and  
3 166.435.

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

5 **SECTION 1. (1) As used in this section and section 2 of this 2023 Act:**

6 (a) **"Federal firearms licensee" means a person licensed as a dealer, manufacturer or**  
7 **importer under 18 U.S.C. 923.**

8 (b) **"Firearm" has the meaning given that term in ORS 166.210.**

9 (c) **"Firearm hold agreement" means a private transaction between a federal firearms**  
10 **licensee or other person and an individual firearm owner in which the licensee or other**  
11 **person takes physical possession of the owner's lawfully possessed firearm at the owner's**  
12 **request, holds the firearm for an agreed-upon period of time and returns the firearm to the**  
13 **owner according to the terms of the agreement.**

14 (2) **A federal firearms licensee or any other person who may lawfully possess firearms**  
15 **may enter into a firearm hold agreement with a firearm owner. The firearm hold agreement**  
16 **may not require the payment of a fee in exchange for holding or storing a firearm.**

17 (3)(a) **Except as provided in paragraph (b) of this subsection, a federal firearms licensee**  
18 **or other person who takes physical possession of a firearm pursuant to a firearm hold**  
19 **agreement is immune from civil liability arising from taking possession of the firearm,**  
20 **storing the firearm or returning the firearm to the owner.**

21 (b) **The immunity described in paragraph (a) of this subsection does not apply to a civil**  
22 **action based upon the licensee's or person's unlawful conduct.**

23 **SECTION 2. (1) The Oregon Health Authority shall by rule create a grant program to**  
24 **fund the storage of firearms pursuant to firearm hold agreements. The authority shall es-**  
25 **tablish grant eligibility criteria and an application and selection process for the program.**

26 (2) **A federal firearms licensee or any other person who may lawfully possess a firearm,**  
27 **who intends to store or is storing a firearm pursuant to a firearm hold agreement, may apply**

**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 to the authority for a grant to fund the storage of the firearm.

2 (3) Grant funds awarded under this section may be used for any costs associated with  
 3 storing firearms pursuant to a firearm hold agreement.

4 (4) The authority shall adopt rules to carry out the provisions of this section.

5 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
 6 ated to the Oregon Health Authority, for the biennium beginning July 1, 2023, out of the  
 7 General Fund, the amount of \$\_\_\_\_\_, to fund the grant program described section 2  
 8 of this 2023 Act.

9 **SECTION 4.** ORS 166.291, as amended by section 5, chapter 97, Oregon Laws 2022, is amended  
 10 to read:

11 166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed  
 12 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
 13 out in this section, shall issue the person a concealed handgun license if the person:

14 (a)(A) Is a citizen of the United States; or

15 (B) Is a legal resident noncitizen who can document continuous residency in the county for at  
 16 least six months and has declared in writing to the United States Citizenship and Immigration Ser-  
 17 vices the intent to acquire citizenship status and can present proof of the written declaration to the  
 18 sheriff at the time of application for the license;

19 (b) Is at least 21 years of age;

20 (c) Is a resident of the county;

21 (d) Has no outstanding warrants for arrest;

22 (e) Is not free on any form of pretrial release;

23 (f) Demonstrates competence with a handgun by any one of the following:

24 (A) Completion of any hunter education or hunter safety course approved by the State Depart-  
 25 ment of Fish and Wildlife or a similar agency of another state if handgun safety [*was a component*]  
 26 **and the use of firearm hold agreements for firearm suicide prevention were components** of  
 27 the course;

28 (B) Completion of any National Rifle Association firearms safety or training course if handgun  
 29 safety [*was a component*] **and the use of firearm hold agreements for firearm suicide prevention**  
 30 **were components** of the course;

31 (C) Completion of any firearms safety or training course or class available to the general public  
 32 offered by law enforcement, community college, or private or public institution or organization or  
 33 firearms training school utilizing instructors certified by the National Rifle Association or a law  
 34 enforcement agency if handgun safety [*was a component*] **and the use of firearm hold agreements**  
 35 **for firearm suicide prevention were components** of the course;

36 (D) Completion of any law enforcement firearms safety or training course or class offered for  
 37 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-  
 38 cers if handgun safety [*was a component*] **and the use of firearm hold agreements for firearm**  
 39 **suicide prevention were components** of the course;

40 (E) Presents evidence of equivalent experience with a handgun through participation in organ-  
 41 ized shooting competition or military service;

42 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been  
 43 revoked; or

44 (G) Completion of any firearms training or safety course or class conducted by a firearms in-  
 45 structor certified by a law enforcement agency or the National Rifle Association if handgun safety

1 *[was a component]* **and the use of firearm hold agreements for firearm suicide prevention were**  
 2 **components** of the course;

3 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,  
 4 of a felony;

5 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
 6 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor  
 7 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

8 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

9 (j) Has not been found to be a person with mental illness and is not subject to an order under  
 10 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of  
 11 that mental illness;

12 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,  
 13 while a minor, the person was found to be within the jurisdiction of the juvenile court for having  
 14 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-  
 15 volving violence, as defined in ORS 166.470;

16 (L) Has not been convicted of an offense involving controlled substances or participated in a  
 17 court-supervised drug diversion program, except this disability does not operate to exclude a person  
 18 if:

19 (A) The person can demonstrate that the person has been convicted only once of a marijuana  
 20 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of  
 21 the offense, and has not completed a drug diversion program for a marijuana possession offense that  
 22 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

23 (B) The person can demonstrate that the person has only once completed a drug diversion pro-  
 24 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law  
 25 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that  
 26 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

27 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
 28 107.700 to 107.735 or 163.738;

29 (n) Has not received a dishonorable discharge from the Armed Forces of the United States;

30 (o) Is not required to register as a sex offender in any state; and

31 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-  
 32 chasing or possessing a firearm.

33 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.  
 34 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of  
 35 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

36 (3) Before the sheriff may issue a license:

37 (a) The application must state the applicant's legal name, current address and telephone number,  
 38 date and place of birth, hair and eye color and height and weight. The application must also list the  
 39 applicant's residence address or addresses for the previous three years. The application must contain  
 40 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
 41 section. The application may include the Social Security number of the applicant if the applicant  
 42 voluntarily provides this number. The application must be signed by the applicant.

43 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
 44 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
 45 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal

1 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
2 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
3 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
4 check and may not keep any record of the fingerprints. The Department of State Police shall report  
5 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
6 Police shall also furnish the sheriff with any information about the applicant that the Department  
7 of State Police may have in its possession including, but not limited to, manual or computerized  
8 criminal offender information.

9 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-  
10 quest. The forms shall be uniform throughout this state in substantially the following form:

11 \_\_\_\_\_  
12  
13 APPLICATION FOR LICENSE TO CARRY  
14 CONCEALED HANDGUN

15 Date \_\_\_\_\_

16 I hereby declare as follows:

17 I am a citizen of the United States or a legal resident noncitizen who can document continuous  
18 residency in the county for at least six months and have declared in writing to the United States  
19 Citizenship and Immigration Services my intention to become a citizen and can present proof of the  
20 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
21 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
22 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
23 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
24 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
25 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
26 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
27 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
28 volving controlled substances or completed a court-supervised drug diversion program. There are  
29 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
30 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a  
31 person with mental illness and presently subject to an order prohibiting me from purchasing or  
32 possessing a firearm because of mental illness. I am not under a court order to participate in as-  
33 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a  
34 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-  
35 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have  
36 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-  
37 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge  
38 from the Armed Forces of the United States. I am not required to register as a sex offender in any  
39 state. I understand I will be fingerprinted and photographed.

40  
41 Legal name \_\_\_\_\_  
42 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
43 Place of birth \_\_\_\_\_  
44 Social Security number \_\_\_\_\_

45 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-

1 thorized under ORS 166.291. It will be used only as a means of identification.)

2  
3 Proof of identification (Two pieces of current identification are required, one of which must bear a  
4 photograph of the applicant. The type of identification and the number on the identification are to  
5 be filled in by the sheriff.):

- 6 1. \_\_\_\_\_
- 7 2. \_\_\_\_\_

8  
9 Height \_\_\_\_\_ Weight \_\_\_\_\_  
10 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

11  
12 Current address \_\_\_\_\_

(List residence addresses for the  
past three years on the back.)

13  
14  
15  
16 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
17 Phone \_\_\_\_\_

18  
19 I have read the entire text of this application, and the statements therein are correct and true.  
20 (Making false statements on this application is a misdemeanor.)

21 \_\_\_\_\_  
22 (Signature of Applicant)

23  
24 Character references.

25 \_\_\_\_\_

Name:	Address
_____	
Name:	Address

26  
27  
28  
29  
30 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

31  
32 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

33 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

34 License No. \_\_\_\_\_  
35 \_\_\_\_\_

36  
37 (5)(a) Fees for concealed handgun licenses are:

- 38 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
- 39 (B) \$100 to the sheriff for the initial issuance of a concealed handgun license.
- 40 (C) \$75 to the sheriff for the renewal of a concealed handgun license.
- 41 (D) \$15 to the sheriff for the duplication of a license because of loss or change of address.

42 (b) The sheriff may enter into an agreement with the Department of Transportation to produce  
43 the concealed handgun license.

44 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-  
45 gaged in the receipt and review of, or an investigation connected with, any application for, or in the

1 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful  
 2 performance of duties under those sections.

3 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff  
 4 shall enter the applicant’s name into the Law Enforcement Data System indicating that the person  
 5 is an applicant for a concealed handgun license or is a license holder.

6 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section  
 7 for a resident of a contiguous state who has a compelling business interest or other legitimate  
 8 demonstrated need.

9 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the  
 10 person:

11 (a) Has a current Oregon driver license issued to the person showing a residence address in the  
 12 county;

13 (b) Is registered to vote in the county and has a voter notification card issued to the person  
 14 under ORS 247.181 showing a residence address in the county;

15 (c) Has documentation showing that the person currently leases or owns real property in the  
 16 county; or

17 (d) Has documentation showing that the person filed an Oregon tax return for the most recent  
 18 tax year showing a residence address in the county.

19 (10) As used in this section, “drug diversion program” means a program in which a defendant  
 20 charged with a marijuana possession offense completes a program under court supervision and in  
 21 which the marijuana possession offense is dismissed upon successful completion of the diversion  
 22 program.

23 **SECTION 5.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, is amended  
 24 to read:

25 166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

6 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
 7 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
 8 transferee must appear in person before a gun dealer, with the firearm and a valid permit-to-  
 9 purchase issued to the transferee under section 4, chapter 1, Oregon Laws 2023, and request that  
 10 the gun dealer perform a criminal background check on the transferee.

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

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

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

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

21 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
 22 or receiving the firearm or that the department is unable to determine if the transferee is qualified  
 23 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither  
 24 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor  
 25 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the  
 26 gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

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

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

35 (c) The transfer of a firearm to:

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

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

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

39 (D) A transferor's sibling;

40 (E) A transferor's grandparent;

41 (F) A transferor's grandchild;

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

43 (H) A transferor's first cousin;

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

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

1 agraph.

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

4 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
5 111.005, or a trustee of a trust created in a will; and

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

8 **(e) The transfer of a firearm pursuant to a firearm hold agreement under section 1 of**  
9 **this 2023 Act.**

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.

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