

SENATE AMENDMENTS TO SENATE BILL 348

By COMMITTEE ON JUDICIARY

April 14

1 In line 2 of the printed bill, after “firearms” insert “; creating new provisions; amending ORS
2 166.412, 166.435, 166.436 and 166.438 and sections 2, 3, 4, 5, 11 and 13, chapter 1, Oregon Laws 2023;
3 repealing sections 1 and 10, chapter 1, Oregon Laws 2023; and declaring an emergency”.

4 Delete lines 4 through 9 and insert:

“PERMITTING PROCESS

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7
8 “**SECTION 1.** (1) **Section 1, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is**
9 **repealed.**

10 “(2) **Section 10, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is repealed.**

11 “**SECTION 2.** Section 2, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
12 to read:

13 “**Sec. 2.** *[The People of the State of Oregon find and declare that regulation of sale, purchase and*
14 *otherwise transferring of all firearms and restriction of the manufacture, import, sale, purchase, trans-*
15 *fer, use and possession of ammunition magazines to those that hold no more than 10 rounds will pro-*
16 *motte the public health and safety of the residents of this state and this Act]* **Chapter 1, Oregon Laws**
17 **2023 (Ballot Measure 114 (2022)),** shall be known as the Reduction of Gun Violence Act.

18 “**SECTION 3.** Section 3, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
19 to read:

20 “**Sec. 3.** *[Definitions.]* As used in *[sections 3 to 10 of this 2022 Act]* **sections 3 to 5, chapter 1,**
21 **Oregon Laws 2023 (Ballot Measure 114 (2022)):**

22 “(1) ‘Criminal background check’ has the *[same meaning given to this]* **meaning given that** term
23 in ORS 166.432 *[(1)(a) to (e)].*

24 “(2) ‘Department’ means the Department of State Police.

25 “(3) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
26 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
27 otherwise.

28 “(4) ‘Permit’ or ‘permit-to-purchase’ *[mean]* **means** an authorization issued **under section 4,**
29 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)),** to a person to purchase or acquire a
30 firearm, provided all other requirements at the time of purchase or acquisition are met.

31 “(5) ‘Permit **agent**’ *[Agent’]* means a county sheriff or police chief with jurisdiction over the
32 residence of the person making an application for a permit-to-purchase*[, or their designees].*

33 “(6) ‘Transfer’ has the meaning given that term in ORS 166.435 *[(1)(a)].*

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

1 “**SECTION 4.** Section 4, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
2 to read:

3 “**Sec. 4.** (1)(a) A person may apply for a [*permit-to-purchase*] **permit to purchase or otherwise**
4 **acquire** a firearm or firearms under this section to [*the police chief or county sheriff with jurisdiction*
5 *over the residence of the person making the application, or their designees, hereinafter referred to as*
6 *‘permit agent’.*] **a permit agent, as follows:**

7 “(A) **An applicant whose residence is in an incorporated area may apply for a permit to**
8 **purchase a firearm to either the police chief of the city in which the applicant resides or the**
9 **county sheriff of the county in which the applicant resides.**

10 “(B) **An applicant whose residence is in an unincorporated area may apply for a permit**
11 **to purchase a firearm to the county sheriff of the county in which the applicant resides.**

12 “(b) A person is qualified to be issued a permit-to-purchase under this section if the person:

13 “(A) Is not prohibited from **possessing**, purchasing or acquiring a firearm under state or federal
14 law[, *including but not limited to*];

15 “(B) **Has not, within the previous four years, been convicted of or been found guilty ex-**
16 **cept for insanity of a misdemeanor involving violence as defined in ORS 166.470;**

17 “(C) Successfully [*completing*] **completes** a criminal background check as described [*under*] **in**
18 paragraph [(e)] (f) of this subsection;

19 “[(B)] (D) Is not the subject of an order described in ORS 166.525 to 166.543;

20 “[(C)] (E) Does not present reasonable grounds for a permit agent to conclude that the applicant
21 has been or is reasonably likely to be a danger to self or others, or to the community at large, as
22 a result of the applicant’s mental or psychological state or as demonstrated by the applicant’s past
23 pattern of behavior involving unlawful violence or threats of unlawful violence;

24 “[(D)] (F) Provides proof of completion of a firearm safety course as defined in subsection (8)
25 of this section; and

26 “[(E)] (G) Pays the fee described in [*paragraph (b) of*] subsection (3)(b) of this section.

27 “(c) An application for a permit under this section must state the applicant’s legal name, current
28 address and telephone number, date and place of birth, physical description[,] and any additional
29 information determined necessary by Department of State Police rules. The application must be
30 signed by the applicant in front of the permit agent.

31 “(d) The permit agent shall verify the applicant’s identity with a government-issued form of
32 identification bearing a photograph of the applicant. **Immediately upon acceptance of the appli-**
33 **cation, the permit agent shall enter the applicant’s name into the Law Enforcement Data**
34 **System and indicate that the person is an applicant for a permit.**

35 “(e) The applicant must submit to fingerprinting and photographing by the permit agent. The
36 permit agent shall fingerprint and photograph the applicant and shall conduct [*any*] **an** investigation
37 necessary to determine whether the applicant meets the qualifications described in paragraph (b)
38 of this [*section*] **subsection.**

39 “(f) The permit agent shall request the department to conduct a criminal background check,
40 including but not limited to a fingerprint identification, **first through state databases and then**
41 **through the Federal Bureau of Investigation. The department shall ensure that the Federal Bu-**
42 **reau of Investigation [*shall return*] returns** the fingerprint cards used to conduct the criminal
43 background check and [*may*] **does** not keep any record of the fingerprints. Upon completion of the
44 criminal background check and determination of whether the permit applicant is qualified or dis-
45 qualified from **possessing**, purchasing or otherwise acquiring a firearm, the department shall report

1 the results[, *including the outcome of the fingerprint-based criminal background check,*] **in writing** to
2 the permit agent. **The results shall consist of an indication that either the applicant is quali-**
3 **fied or that the applicant is disqualified and the reason for the disqualification, and the out-**
4 **come of the fingerprint-based criminal background check.**

5 **“(g) The record of information obtained during the permit application process or during**
6 **a request for a criminal background check by a permit agent is exempt from disclosure as**
7 **a public record under ORS 192.311 to 192.478.**

8 “(2)(a) If during the background check, the department determines that:

9 “(A) [A *purchaser*] **An applicant** is prohibited from possessing a firearm under ORS 166.250
10 (1)(c), the department shall report the attempted application for a permit, the [*purchaser’s*]
11 **applicant’s** name and any other personally identifiable information to all federal, state and local law
12 enforcement agencies and district attorneys that have jurisdiction over the location or locations
13 where the attempted application for a permit was made and where the permit applicant resides.[.]

14 “(B) Based on the judgment of conviction, the permit applicant is prohibited from possessing a
15 firearm as a condition of probation or that the permit applicant is currently on post-prison super-
16 vision or parole, the department shall report the attempted application for a permit to the permit
17 applicant’s supervising officer and the district attorney of the county in which the conviction oc-
18 curred.

19 “(C) The permit applicant is prohibited from possessing a firearm due to a court order described
20 in ORS 166.255 (1)(a), the department shall report the attempted application for a permit to the court
21 that issued the order.

22 “(D) The permit applicant is under the jurisdiction of the Psychiatric Security Review Board,
23 the department shall report the attempted application for a permit to the board.

24 “(b) Reports required by [*paragraphs (A) to (D) of subsection (2)(a)*] **paragraph (a) of this sub-**
25 **section** shall be made within 24 hours after the determination is made, unless a report would com-
26 promise an ongoing investigation, in which case the report may be delayed as long as necessary to
27 avoid compromising the investigation.

28 “(c) On or before January 31 of each year, beginning in 2024, the department shall annually
29 publish a report indicating for each county the number of applications made to any permit agent,
30 the number of permits-to-purchase issued and the number of permits-to-purchase denied and the
31 reasons for denial. [*The department may, by rule, include any additional information that it determines*
32 *would be helpful to ensuring the permit-to-purchase process is being administered in a consistent and*
33 *equitable manner.*] **The report shall additionally specify, for each county, racial and gender in-**
34 **formation concerning each applicant within the total number of permits granted, denied and**
35 **the reason for denial to support the consistent and equitable administration of the permit-**
36 **ting process. The report may not include any information that personally identifies an indi-**
37 **vidual applicant. The department may adopt rules relating to the information needed from**
38 **permit agents for the purposes of creating the annual report.**

39 “(3)(a) Within [30] **60** days of receiving an application for a permit under this section, if the
40 permit agent has verified the applicant’s identity and determined that the applicant has met each
41 of the qualifications described in [*paragraph*] **subsection (1)(b)** of this section, the permit agent shall
42 issue the permit-to-purchase.

43 “(b) The permit agent may charge a reasonable fee reflecting the actual cost of the process but
44 shall not exceed [\$65] **\$150**, including the cost of fingerprinting, photographing and obtaining a
45 criminal background check. **The portion of the fee payable to the department for conducting**

1 **the state and federal criminal background check shall be established by the department and**
2 **may not to exceed \$48.**

3 “(4)(a) The department shall develop:

4 “(A) A standardized application form for a permit under this section; and

5 “(B) A form in quadruplicate for use by permit agents in issuing permits under this section.

6 “(b) The issuing permit agent shall maintain a copy of each permit issued under this section **and**
7 **shall enter the name of the permit holder into the Law Enforcement Data System and indi-**
8 **cate that the person is a permit holder.**

9 “(c) The person named in a permit shall:

10 “(A) Maintain a copy of the permit as long as the permit is valid.

11 “(B) Present a copy of the permit to the gun dealer or transferor of a firearm when required
12 under ORS 166.412, 166.435, 166.436 or 166.438.

13 “(5)(a) The permit agent shall report the issuance of a permit under this section to the
14 department[,] and shall provide to the department a copy of the permit and any information neces-
15 sary for the department to maintain an electronic searchable database of all permits issued under
16 this section. A permit agent revoking a permit shall report the revocation to the department at the
17 time that notice of the revocation has been sent to the permit holder.

18 “(b) The department shall maintain the electronic database described in paragraph (a) of this
19 subsection by ensuring that new permits are added to the database, renewed permits are assigned
20 a new expiration date[,] and expired or revoked permits are marked expired or revoked but retained
21 in the database.

22 **“(c) The record of information obtained during the permit application process provided**
23 **to the department or during the processing of a criminal background check by the depart-**
24 **ment, and the information contained in the database described in this subsection, is exempt**
25 **from disclosure as a public record under ORS 192.311 to 192.478.**

26 “(6)(a) A permit-to-purchase issued under this section does not create any right of the permit
27 holder to receive a firearm **or carry a concealed firearm.**

28 “(b) A permit-to-purchase issued under this section is not a limit on the number of firearms the
29 permit holder may purchase or acquire during the time period when the permit is valid.

30 **“(c) A permit-to-purchase issued under this section is valid only for the purchase or ac-**
31 **quisition of the following firearms while the permit holder is under 21 years of age:**

32 **“(A) A single-shot rifle, whether centerfire or rimfire;**

33 **“(B) A double-barreled shotgun;**

34 **“(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
35 **straight-pull or revolving action;**

36 **“(D) A rifle with an attached tubular magazine designed to accept, and capable of oper-**
37 **ating only with, 0.22 caliber rimfire ammunition;**

38 **“(E) A muzzleloader rifle; or**

39 **“(F) A shotgun with a pump, break, lever or revolving action.**

40 “(7)(a) A permit-to-purchase issued under this section, **including a permit renewed as de-**
41 **scribed in this subsection,** is valid for five years from the date of issuance, unless revoked.

42 “(b) A person may renew an unexpired permit issued under this section by repeating the pro-
43 cedures set forth in subsection (1) of this section, except:

44 “(A) A full [*finger print*] **fingerprint** set does not need to be taken again if the original set has
45 been retained by the permit agent or is otherwise available; and

1 “(B) The training course does not need to be completed, provided the course previously taken
2 fully complies with each of the requirements set forth in subsection [8] (8) of this section.

3 “(c) The permit agent may charge a reasonable fee for renewal of the permit, reflecting the ac-
4 tual cost of the process but shall not exceed [\$50] **\$110**, including the cost of obtaining a criminal
5 background check and photographing. **The portion of the fee payable to the department for**
6 **conducting the state and federal criminal background check shall be established by the de-**
7 **partment and may not to exceed \$48.**

8 “(8)(a) As used in this section, ‘proof of completion of a firearm safety course’ means the fol-
9 lowing:

10 “[*a*] **(A) Proof of completion of any firearms training course or class available to the general**
11 **public that is offered by law enforcement, a community college, [*or*] a private or public institution**
12 **or an organization or firearms training school utilizing instructors [*certified*] approved by a law**
13 **enforcement agency, and that includes the components [*set forth*] described in paragraph [*c*] (b)**
14 **of this subsection; [*or*]**

15 “[*b*] *Proof of completion of any law enforcement firearms training course or class that is offered*
16 *for security guards, investigators, reserve law enforcement officers, or any other law enforcement offi-*
17 *cers, and that includes the components set forth in paragraph (c) of this subsection;]*

18 “**(B) Proof of completion of a training course or class for a concealed handgun license**
19 **issued under ORS 166.291 and 166.292, provided that the course includes all of the components**
20 **described in paragraph (b) of this subsection;**

21 “**(C) Prior or current certification as a police officer, corrections officer or armed parole**
22 **and probation officer, as those terms are defined in ORS 181A.355 or a federal officer as de-**
23 **defined in ORS 133.005;**

24 “**(D) Certification as an instructor approved by the National Rifle Association;**

25 “**(E) Proof of qualification with a pistol, rifle or other small arms while serving in the**
26 **Armed Forces of the United States as defined in ORS 352.313, as documented on a federal**
27 **DD Form 214 (Certificate of Release or Discharge from Active Duty), if the qualification oc-**
28 **curring within the 10 years prior to the date of application for issuance of the permit; or**

29 “**(F) Current certification as an armed private security professional under ORS 181A.840**
30 **to 181A.893.**

31 “[*c*] **(b) A firearms training course or class required for issuance of a permit-to-purchase must**
32 **include:**

33 “**(A) Review of federal and state laws in place at the time of the class and other safe practices**
34 **related to ownership, purchase, transfer, use and transportation of firearms;**

35 “**(B) Review of federal and state safe storage laws in place at the time of the class and other**
36 **safe practices related to safe storage, including reporting lost and stolen guns;**

37 “**(C) Prevention of abuse or misuse of firearms, including the impact of homicide and suicide on**
38 **families, communities and the country as a whole; and**

39 “**(D) In-person demonstration of the applicant’s ability to lock, load, unload, fire and store a**
40 **firearm before an instructor [*certified*] approved by a law enforcement agency. This requirement**
41 **may be met separately from the other course requirements in subparagraphs (A), (B) and (C) of this**
42 **paragraph [*c*], which may be completed in an [*on-line*] online course, provided the [*on-line*] online**
43 **course has been conducted by [*a trainer certified*] an instructor approved by a law enforcement**
44 **agency.**

45 “**(c) A training course or class described in paragraph (a)(A) or (B) of this subsection**

1 **must have been completed within five years prior to the date of application for issuance of**
2 **the permit.**

3 *“(d) Proof of successful completion of a training course in order to meet the requirements for a*
4 *concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a permit as a*
5 *substitute for the requirements in paragraph (c) of this subsection, provided the completed course in-*
6 *cluded each of the components set forth in paragraph (c) of this subsection.]*

7 **“(d)(A) As used in this subsection, ‘instructor approved by a law enforcement agency’**
8 **means an instructor who has written certification from an Oregon law enforcement agency**
9 **to provide firearms training or who is currently approved to provide the firearms training**
10 **required for an Oregon concealed handgun license under ORS 166.291.**

11 **“(B) A law enforcement agency, the political subdivision governing the law enforcement**
12 **agency and their officers, employees and agents are not civilly liable for the actions or in-**
13 **actions of an approved trainer if the law enforcement agency acted in good faith providing**
14 **the approval.**

15 *“(9) The department may adopt rules to carry out the provisions of this section.*

16 **“SECTION 5.** Section 5, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
17 to read:

18 **“Sec. 5.** (1) If *[the]* **an** application for *[the]* **a** permit-to-purchase is denied, the permit agent shall
19 set forth in writing the reasons for the denial. The denial shall be placed in the mail to the applicant
20 by certified mail, restricted delivery, within *[30]* **60** days after the application was made. If no deci-
21 sion is issued within *[30]* **60** days **and the 60th day occurs on or after January 1, 2024**, the person
22 may seek review under the procedures **described** in subsection *[(5)]* **(6)** of this section.

23 *“(2) Notwithstanding [subsections (1) to (3) of section 4 of this 2022 Act] section 4 (1) to (3),*
24 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022))**, and subject to review as provided in
25 subsection *[(5)]* **(6)** of this section, a permit agent may deny a permit-to-purchase if the permit agent
26 has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger
27 to self or others, or to the community at large, as a result of the applicant’s mental or psychological
28 state or as demonstrated by the applicant’s past pattern of behavior involving unlawful violence or
29 threats of unlawful violence.

30 *“(3)(a) Any act or condition that would prevent the issuance of a permit-to-purchase is cause for*
31 *revoking a permit-to-purchase.*

32 *“(b) A permit agent may revoke a permit by serving on the permittee a notice of revocation.*
33 *The notice must contain the grounds for the revocation and must be served either personally or by*
34 *certified mail, restricted delivery. The notice and return of service shall be included in the file of*
35 *the permit holder. The revocation is effective upon the permit holder’s receipt of the notice.*

36 **“(4) No civil or criminal liability shall attach to a permit agent, the Department of State**
37 **Police or any authorized representative of a permit agent or the department for receiving,**
38 **reviewing or conducting an investigation connected with an application for, or the issuance,**
39 **denial, revocation or refusal to renew, a firearm permit under this section or section 4,**
40 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), if the action is pursuant to or re-**
41 **sults from the lawful performance of official duties described in this section and section 4,**
42 **chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)).**

43 *“[(4)] (5) Any peace officer or corrections officer may seize a permit-to-purchase and return it*
44 *to the issuing permit agent if the permit is held by a person who has been arrested or cited for a*
45 *crime that can or would otherwise disqualify the person from being issued a permit. The issuing*

1 permit agent shall hold the permit for 30 days. If the person is not charged with a crime within the
2 30 days, the permit agent shall return the permit unless the permit agent revokes the permit as
3 provided in subsection (3) of this section.

4 “[5] (6) A person denied a permit-to-purchase or whose permit is revoked or *[not renewed]* **de-**
5 **denied renewal** may petition the circuit court in the petitioner’s county of residence to review the
6 denial[, *nonrenewal*] or revocation. The petition must be filed within 30 days after the receipt of the
7 notice of the denial or revocation.

8 “[6] (7) *[The]* A judgment affirming or overturning *[the]* a permit agent’s decision shall be based
9 on whether the petitioner meets the criteria that are used for issuance of a permit-to-purchase and,
10 if the petitioner was denied a permit, whether the permit agent has reasonable grounds for denial
11 under subsection (2) of this section. Whenever the petitioner has been previously sentenced for a
12 crime under ORS 161.610 [*Enhanced penalty for use of firearm during commission of felony*] or for
13 a crime of violence for which the person could have received a sentence of more than 10 years, the
14 court shall grant relief only if the court finds that relief should be granted in the interest of justice.

15 “[7] (8) Notwithstanding the provisions of ORS 9.320 [*Necessity for employment of attorney*],
16 a party that is not a natural person, the state or any city, county, district or other political subdi-
17 vision or public corporation in this state, without appearance by attorney, may appear as a party
18 to an action under this section.

19 “[8] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days
20 of filing or as soon as practicable thereafter.

21 “[9] (10) Filing fees for actions **described in this section** shall be as for any civil action filed
22 in the court. If the petitioner prevails, the amount of the filing fee shall be paid by the respondent
23 to the petitioner and may be incorporated into the court order.

24 “[10] (11) Initial appeals of petitions shall be heard de novo.

25 “[11] (12) Any party to a judgment under this section may appeal to the Court of Appeals in
26 the same manner as for any other civil action.

27 “[12] (13) If the governmental entity files an appeal under this section and does not prevail,
28 it shall be ordered to pay the attorney fees for the prevailing party.

29
30 **“TRANSFERS OCCURRING BEFORE JULY 1, 2024**

31
32 **“SECTION 6.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, is amended
33 to read:

34 “166.412. (1) As used in this section:

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

36 “(b) ‘Department’ means the Department of State Police;

37 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include
38 an antique firearm;

39 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.
40 921 to 929;

41 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under
42 subsection (11) of this section;

43 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
44 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
45 otherwise; and

1 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm from a gun
2 dealer.

3 “(2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
4 following before a firearm is delivered to a purchaser:

5 “(a) The purchaser shall present to the gun dealer current identification meeting the require-
6 ments of subsection (4) of this section and, **for transfers occurring on or after July 1, 2024**, a
7 valid permit issued under section 4 [*of this 2022 Act*], **chapter 1, Oregon Laws 2023**.

8 “(b) The gun dealer shall complete the firearms transaction record and obtain the signature of
9 the purchaser on the record.

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

13 “(d) The gun dealer shall, by telephone or computer, **request that the department conduct a**
14 **criminal background check on the purchaser**, verify, **for transfers occurring on or after July**
15 **1, 2024**, that the purchaser has a valid [*permit-to-purchase*] **permit to purchase** a firearm issued
16 under section 4, chapter 1, Oregon Laws 2023, and [*request that the department conduct a criminal*
17 *history record check on the purchaser and shall*] provide the following information to the department:

18 “(A) The federal firearms license number of the gun dealer;

19 “(B) The business name of the gun dealer;

20 “(C) The place of transfer;

21 “(D) The name of the person making the transfer;

22 “(E) The make, model, caliber and manufacturer’s number of the firearm being transferred;

23 “(F) The name and date of birth of the purchaser;

24 “(G) The Social Security number of the purchaser if the purchaser voluntarily provides this
25 number to the gun dealer; and

26 “(H) The type, issuer and identification number of the identification presented by the purchaser.

27 “(e) The gun dealer shall receive a unique approval number for the transfer from the department
28 and record the approval number on the firearms transaction record and on the firearms transaction
29 thumbprint form.

30 “(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
31 completion of the firearms transaction thumbprint form.

32 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
33 partment shall immediately, during the gun dealer’s telephone call or by return call:

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

36 “(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or
37 provide the gun dealer with a unique approval number indicating that the purchaser is qualified to
38 complete the transfer.

39 “(b) If the department is unable to determine **within 30 minutes** if the purchaser is qualified
40 or disqualified from completing the transfer [*within 30 minutes*], the department shall notify the gun
41 dealer and provide the gun dealer with an estimate of the time when the department will provide
42 the requested information.

43 “(c) The dealer may not transfer the firearm unless:

44 “(A) The dealer receives a unique approval number from the department; and[,]

45 “(B) **Seventy-two hours has elapsed since receipt of the unique approval number.**

1 “(d) Within 48 hours of completing the transfer, the dealer shall notify the [state] **department**
2 that the transfer [to the permit holder] was completed.

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

5 “(A) Is issued under the authority of the United States Government, a state, a political subdivi-
6 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
7 tional governmental organization or an international quasi-governmental organization; and

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

10 “(b) If the identification presented by the purchaser under paragraph (a) of this subsection does
11 not include the current address of the purchaser, the purchaser shall present a second piece of
12 current identification that contains the current address of the purchaser. The Superintendent of
13 State Police may specify by rule the type of identification that may be presented under this para-
14 graph.

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

17 “(5) The department shall establish a telephone number that shall be operational seven days a
18 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun
19 dealers for a criminal history record check under this section.

20 “(6) No public employee, official or agency shall be held criminally or civilly liable for per-
21 forming the investigations required by this section provided the employee, official or agency acts in
22 good faith and without malice.

23 “(7)(a) The department may retain a record of the information obtained during a request for a
24 criminal history record check for no more than five years[, *except for the information provided to the*
25 *dealer under subsection (2)(d) of this section, sufficient to reflect each firearm purchased by a permit*
26 *holder, which must be attached to the electronic record of the permit stored by the department. The*
27 *department may develop a system for removal of the information in subsection (2)(d)(E) of this section,*
28 *upon proof of sale or transfer of the firearm to another permit holder and for recording of the infor-*
29 *mation to reflect the transfer of ownership to the permit of the new owner].*

30 “(b) The record of the information obtained during a request for a criminal history record check
31 by a gun dealer is exempt from disclosure under public records law.

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

37 “(d) If the department determines that, based on the judgment of conviction, the purchaser is
38 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently
39 on post-prison supervision or parole, the department shall report the attempted transfer to the
40 purchaser’s supervising officer and the district attorney of the county in which the conviction oc-
41 curred.

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

45 “(f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric

1 Security Review Board, the department shall report the attempted transfer to the board.

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

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

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

11 “(A) The number of purchasers whom the department determined were prohibited from possess-
12 ing a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

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

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

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

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

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

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

27 “(c) The provision of a security system to identify gun dealers that request a criminal history
28 record check under subsection (2) of this section; and

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

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

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

34 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a crim-
35 inal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for
36 providing the service.

37 “(b) A gun dealer that requests a criminal background check under this subsection is immune
38 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun
39 dealer:

40 “(A) Requests the criminal background check as described in this section [*and also provided that*
41 *the dealer*];

42 “(B) **Receives a unique approval number from the department indicating successful**
43 **completion of the criminal background check;**

44 “(C) **Allows 72 hours to elapse between receipt of the unique approval number and**
45 **transfer of the firearm; and**

1 “(D) For transfers occurring on or after July 1, 2024, verifies that the recipient has a valid
2 [permit-to-purchase] permit to purchase the firearm [and the dealer has received a unique approval
3 number from the department indicating successful completion of the background check].

4 “(14)(a) Knowingly selling or delivering a firearm to a purchaser or transferee [who does not
5 have a valid permit-to-purchase a firearm in violation of subsection (2)(d) of this section, or] prior to
6 receiving a unique approval number from the department based on the criminal background check
7 in violation of subsection (3)(c) of this section is a Class A misdemeanor.

8 “(b) For transfers occurring on or after July 1, 2024, knowingly selling or delivering a
9 firearm to a purchaser or transferee who does not have a valid permit to purchase a firearm
10 in violation of subsection (2)(d) of this section, or prior to receiving a unique approval num-
11 ber from the department based on the criminal background check in violation of subsection
12 (3)(c) of this section, is a Class A misdemeanor.

13 “SECTION 7. ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, is amended
14 to read:

15 “166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

41 “(3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Ex-
42 cept as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and
43 the transferee must appear in person before a gun dealer, with the firearm and, **for transfers oc-**
44 **curing on or after July 1, 2024,** a valid permit-to-purchase issued to the transferee under section
45 4, chapter 1, Oregon Laws 2023, and request that the gun dealer perform a criminal background

1 check on the transferee.

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

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

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

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

12 “(B) Receives notification that the transferee is prohibited by state or federal law from pos-
13 sessing or receiving the firearm or that the department is unable to determine if the transferee is
14 qualified or disqualified from completing the transfer, the gun dealer shall notify the transferor and
15 neither the transferor nor the gun dealer shall transfer the firearm to the transferee. If the
16 transferor shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this sub-
17 section, the gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

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

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

26 “(c) The transfer of a firearm to:

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

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

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

30 “(D) A transferor’s sibling;

31 “(E) A transferor’s grandparent;

32 “(F) A transferor’s grandchild;

33 “(G) A transferor’s aunt or uncle;

34 “(H) A transferor’s first cousin;

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

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

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

40 “(A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
41 111.005, or a trustee of a trust created in a will; and

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

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

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

4 “**SECTION 8.** ORS 166.436, as amended by section 8, chapter 1, Oregon Laws 2023, is amended
5 to read:

6 “166.436. (1) The Department of State Police shall make the telephone number established under
7 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
8 sons who are not gun dealers and who are transferring firearms at gun shows.

9 “(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall
10 by telephone **request that the department conduct a criminal background check on the re-**
11 **recipient, verify, for transfers occurring on or after July 1, 2024,** that the transferee has a valid
12 [*permit-to-purchase*] **permit to purchase** a firearm under section 4, chapter 1, Oregon Laws 2023,
13 and [*request that the department conduct a criminal background check on the recipient upon*
14 *providing*] **provide** the following information to the department:

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

16 “(b) The make, model, caliber and manufacturer’s number of the firearm being transferred;

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

18 “(d) The Social Security number of the recipient if the recipient voluntarily provides that num-
19 ber;

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

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

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

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

29 “(B) Notify the transferor when a recipient is disqualified from completing the transfer or pro-
30 vide the transferor with a unique approval number indicating that the recipient is qualified to
31 complete the transfer. The unique approval number is [*a permit*] **an authorization** valid for 24 hours
32 for the requested transfer. If the firearm is not transferred from the transferor to the recipient
33 within 24 hours after receipt of the unique approval number, a new request must be made by the
34 transferor.

35 “(b) If the department is unable to determine whether the recipient is qualified for or disquali-
36 fied from completing the transfer within 30 minutes of receiving the request, the department shall
37 notify the transferor and provide the transferor with an estimate of the time when the department
38 will provide the requested information.

39 “(c) The transferor may not transfer the firearm unless the transferor receives a unique ap-
40 proval number from the department and, within 48 hours of the completed transfer, the transferor
41 shall notify the [*state*] **department** that the transfer [*to the permit holder*] was completed.

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

45 “(5)(a) The department may retain a record of the information obtained during a request for a

1 criminal background check under this section for the period of time provided in ORS 166.412 (7),
2 *as amended by chapter 1, Oregon Laws 2023*].

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

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

10 “(d) If the department determines that, based on the judgment of conviction, the recipient is
11 prohibited from possessing a firearm as a condition of probation or that the recipient is currently
12 on post-prison supervision or parole, the department shall report the attempted transfer to the
13 recipient’s supervising officer and the district attorney of the county in which the conviction oc-
14 curred.

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

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

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

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

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

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

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

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

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

37 “(6) The recipient of the firearm must be present when the transferor requests a criminal
38 background check under this section.

39 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who re-
40 ceives notification under this section that the recipient is qualified to complete the transfer of a
41 firearm, has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as
42 required by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time
43 of the transfer unless the transferor knows, or reasonably should know, that the recipient is likely
44 to commit an unlawful act involving the firearm.

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

1 “(A) If the transferor knows, or reasonably should know, that the recipient of the firearm in-
2 tends to deliver the firearm to a third person who the transferor knows, or reasonably should know,
3 may not lawfully possess the firearm; or

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

5 “**SECTION 9.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, is amended
6 to read:

7 “166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show
8 unless the transferor:

9 “(a)(A) **For transfers occurring on or after July 1, 2024,** verifies with the Department of
10 **State Police** that the recipient has a valid permit-to-purchase issued under section 4, chapter 1,
11 Oregon Laws 2023;

12 “(B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

13 “(C) Receives a unique approval number from the department indicating that the recipient is
14 qualified to complete the transfer; and

15 “(D) Has the recipient complete the form described in ORS 166.441; or

16 “(b) Completes the transfer through a gun dealer.

17 “(2) The transferor shall retain the completed form referred to in subsection (1) of this section
18 for at least five years and shall make the completed form available to law enforcement agencies for
19 the purpose of criminal investigations.

20 “(3) A person who organizes a gun show shall post in a prominent place at the gun show a no-
21 tice explaining the requirements of subsections (1) and (2) of this section. The person shall provide
22 the form required by subsection (1) of this section to any person transferring a firearm at the gun
23 show.

24 “(4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
25 18 U.S.C. 923.

26 “(5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a
27 Class A misdemeanor.

28 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements
29 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous
30 convictions under this section at the time of the offense.

31 “(6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that
32 the person did not know, or reasonably could not know, that more than 25 firearms were at the site
33 and available for transfer.

34 “**SECTION 10. Nothing in the amendments to ORS 166.412, 166.435, 166.436 or 166.438 by**
35 **sections 6 to 9 of this 2023 Act is intended to delay or prevent the development of the process**
36 **for issuing permits to purchase firearms under sections 3 to 5, chapter 1, Oregon Laws 2023**
37 **(Ballot Measure 114 (2022)).**

38 “LARGE-CAPACITY MAGAZINES

39
40
41 “**SECTION 11.** Section 11, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
42 to read:

43 “**Sec. 11.** (1) As used in this section:

44 “(a) ‘Armed Forces of the United States’ has the meaning given that term in ORS [348.282]
45 **352.313.**

1 “(b) ‘Detachable magazine’ means an ammunition feeding device that can be loaded or unloaded
2 while detached from a firearm and readily inserted in a firearm.[:]

3 “(c) ‘Fixed magazine’ means an ammunition feeding device contained in or permanently attached
4 to a firearm in such a manner that the device cannot be removed without disassembly of the firearm
5 action.[:]

6 “(d) ‘Large-capacity magazine’ means a fixed or detachable magazine, belt, drum, feed strip,
7 helical feeding device, or similar device, including any such device joined or coupled with another
8 in any manner, or a kit with such parts, that has an overall capacity of, or that can be readily re-
9 stored, changed[,] or converted to accept, more than 10 rounds of ammunition and allows a shooter
10 to keep firing without having to pause to reload, but does not include any of the following:

11 “(A) An ammunition feeding device that has been permanently altered so that it is not capable,
12 now or in the future, of accepting more than 10 rounds of ammunition;

13 “(B) An attached tubular device designed to accept, and capable of operating only with, 0.22
14 caliber rimfire ammunition; or

15 “(C) A tubular ammunition feeding device that is contained in a lever-action firearm.

16 “(e) ‘Loaded’ has the meaning given that term in ORS 166.360.[:]

17 “(f) ‘Person’ means any natural person, corporation, partnership, [*fire*] **firm** or association.

18 “(2) Notwithstanding ORS 166.250 to 166.470, and except as expressly provided in subsections (3)
19 to (5) of this section, a person commits the crime of unlawful manufacture, importation, possession,
20 use, purchase, sale or otherwise transferring of large-capacity magazines if the person manufactures,
21 imports, possesses, uses, purchases, sells or otherwise transfers any large-capacity magazine in
22 Oregon on or after [*the effective date of this 2022 Act*] **December 8, 2022**.

23 “(3) Subsection (2) of this section does not apply during the first 180 days following [*the effective*
24 *date of this 2022 Act*] **December 8, 2022**, with respect to:

25 “(a) A licensed gun dealer that within 180 days of [*the effective date of this 2022 Act*] **December**
26 **8, 2022**:

27 “(A) Transfers or sells the large-capacity magazines in the gun dealer’s inventory to a [*non-*
28 *resident*] **nonresident** gun dealer or other transferee outside of this state;

29 “(B) Purchases or acquires temporary custody from an owner of any large-capacity magazine for
30 permanent removal from this state within [*the*] 180 days of [*the effective date of this 2022 Act*] **De-**
31 **cember 8, 2022**;

32 “(C) Permanently alters any large-capacity magazine in the gun dealer’s inventory or custody
33 so that it is not capable, upon alteration or in the future, of accepting more than 10 rounds of am-
34 munition or permanently alter the magazine so it is no longer a **large-capacity magazine**; or

35 “(D) Permanently disposes of the large-capacity magazines in the gun dealer’s custody or in-
36 ventory.

37 “(b) A firearms manufacturer, properly licensed under federal, state and local law, that is a
38 party to a contract, in existence and binding on [*the effective date of this 2022 Act*] **December 8,**
39 **2022**, with an entity outside of this state, for the manufacture of large-capacity magazines, provided
40 that:

41 “(A) All manufacturing is completed no later than 180 days after [*the effective date of this 2022*
42 *Act*] **December 8, 2022**; and

43 “(B) The entity outside of Oregon receiving the large-capacity magazines is made aware in
44 writing on or before the delivery of the ammunition devices of the restrictions pertaining to large-
45 capacity magazines in this state as set forth in [*this 2022 Act*] **chapter 1, Oregon Laws 2023 (Ballot**

1 **Measure 114 (2022).**

2 “(4) Subsection (2) of this section does not apply at any time to:

3 “(a) A firearms manufacturer properly licensed under federal, state and local law that manu-
4 factures large-capacity magazines, provided:

5 “(A) The manufacturing is for exclusive sale or transfer to the Armed Forces of the United
6 States or a law enforcement agency and solely for authorized use by that entity related to the offi-
7 cial duties of the entity; and

8 “(B) Any large-capacity magazine, permitted to be manufactured under paragraph (a)(A) of this
9 subsection after [*the effective date of this 2022 Act*] **December 8, 2022**, shall include a permanent
10 stamp or marking indicating that the large-capacity magazine was manufactured or assembled after
11 [*the effective date of this 2022 Act*] **December 8, 2022**. The stamp or marking must be legibly and
12 conspicuously engraved or cast upon the outer surface of the large-capacity magazine. The Depart-
13 ment of **State Police** may promulgate such rules as may be necessary for the implementation of this
14 section, including but not limited to rules requiring such large-capacity magazine be stamped with
15 information indicating the limitation for use only by military and law enforcement or such other
16 identification to distinguish clearly large-capacity magazines manufactured after [*the effective date*
17 *of this 2022 Act*] **December 8, 2022**. Except as provided in [*paragraph*] **subsection** (3)(b) of this
18 section, no large-capacity magazines without such stamp may be manufactured in this state after
19 [*the effective date of this Act*] **December 8, 2022**.

20 “(b) A licensed gun dealer that sells or otherwise transfers large-capacity magazines to the
21 Armed Forces of the United States or a law enforcement agency solely for authorized use by that
22 entity, provided the large-capacity magazines have been engraved as provided in paragraph (a)(B)
23 of this subsection.

24 “(c) Any government officer, agent or employee, member of the Armed Forces of the United
25 States or peace officer, as that term is defined in ORS 133.005, that is authorized to acquire, possess
26 or use a large-capacity magazine provided that any acquisition, possession or use is related
27 [*directly*] to activities within the scope of that person’s official duties.

28 “(5) [*As of the effective date of this 2022 Act, it shall be*] **It is** an affirmative defense, as provided
29 in ORS [*166.055*] **161.055**, to the unlawful possession, use and transfer of a large-capacity magazine
30 in this state by any person[, *provided*] that:

31 “(a)(A) The large-capacity magazine was owned by the person before [*the effective date of this*
32 *2022 Act*] **December 8, 2022**, and maintained in the person’s control or possession; or

33 “[*b*] (B) The possession of a large-capacity magazine was obtained by a person who, on or after
34 [*the effective date of this section*] **December 8, 2022**, acquired possession of the large-capacity mag-
35 azine by operation of law upon the death of a former owner who was in legal possession of the
36 large-capacity magazine; and

37 “[*c*] (b)(A) [*In addition to either (a) or (b) of this subsection*] The owner has not maintained the
38 large-capacity magazine in a manner other than:

39 “[*A*] (i) On property owned or immediately controlled by the [*registered*] owner;

40 “[*B*] (ii) On the premises of a gun dealer or gunsmith licensed under 18 U.S.C. 923 for the
41 purpose of lawful service or repair;

42 “[*C*] (iii) While engaging in the legal use of the large-capacity magazine, at a public or private
43 shooting range or shooting gallery or for recreational activities such as hunting, to the extent per-
44 mitted under state law; or

45 “[*D*] (iv) While participating in a firearms competition or an exhibition, display or educational

1 project about firearms sponsored, conducted by, approved or under the auspices of a law enforce-
2 ment agency or a national or state-recognized entity that fosters proficiency in firearms use or
3 promotes firearms education; and

4 “[*E*] (B) While transporting any large-capacity magazines in a vehicle to one of the locations
5 authorized in [*paragraphs (c)(A) to (D) of this subsection*] **subparagraph (A) of this paragraph**, the
6 large-capacity magazine is not inserted into the firearm and is locked in a separate container.

7 “[*d*] (6) **It is an affirmative defense, as provided in ORS 161.055, to the unlawful pos-**
8 **session, use and transfer of a large-capacity magazine in this state by any person that** the
9 person has permanently and voluntarily relinquished the large-capacity magazine to law
10 enforcement, or to a buyback or turn-in program approved by law enforcement, prior to **the** com-
11 mencement of prosecution **for the possession, use or transfer** by arrest, citation or a formal
12 charge.

13 “[*6*] (7) Unlawful manufacture, importation, possession, use, purchase, sale or otherwise trans-
14 ferring of a large-capacity magazine is a [*class*] **Class A** misdemeanor.

15
16 **“TRANSFERS OCCURRING ON OR AFTER JULY 1, 2024**

17
18 **“SECTION 12.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, and section
19 6 of this 2023 Act, is amended to read:

20 “166.412. (1) As used in this section:

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

22 “(b) ‘Department’ means the Department of State Police;

23 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include
24 an antique firearm;

25 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.
26 921 to 929;

27 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under
28 subsection (11) of this section;

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

32 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm from a gun
33 dealer.

34 “(2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
35 following before a firearm is delivered to a purchaser:

36 “(a) The purchaser shall present to the gun dealer current identification meeting the require-
37 ments of subsection (4) of this section and, [*for transfers occurring on or after July 1, 2024*] **unless**
38 **an exception described in subsection (15) of this section applies**, a valid permit issued under
39 section 4, chapter 1, Oregon Laws 2023.

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, by telephone or computer, request that the department conduct a

1 criminal background check on the purchaser, verify, [for transfers occurring on or after July 1,
2 2024] **unless an exception described in subsection (15) of this section applies**, that the purchaser
3 has a valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023, and
4 provide the following information to the department:

5 “(A) The federal firearms license number of the gun dealer;

6 “(B) The business name of the gun dealer;

7 “(C) The place of transfer;

8 “(D) The name of the person making the transfer;

9 “(E) The make, model, caliber and manufacturer’s number of the firearm being transferred;

10 “(F) The name and date of birth of the purchaser;

11 “(G) The Social Security number of the purchaser if the purchaser voluntarily provides this
12 number to the gun dealer; and

13 “(H) The type, issuer and identification number of the identification presented by the purchaser.

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

17 “(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
18 completion of the firearms transaction thumbprint form.

19 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
20 partment shall immediately, during the gun dealer’s telephone call or by return call:

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

23 “(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or
24 provide the gun dealer with a unique approval number indicating that the purchaser is qualified to
25 complete the transfer.

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

29 “(c) The dealer may not transfer the firearm unless:

30 “(A) The dealer receives a unique approval number from the department; and

31 “(B) Seventy-two hours has elapsed since receipt of the unique approval number.

32 “(d) Within 48 hours of completing the transfer, the dealer shall notify the department that the
33 transfer was completed.

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

36 “(A) Is issued under the authority of the United States Government, a state, a political subdi-
37 vision of a state, a foreign government, a political subdivision of a foreign government, an interna-
38 tional governmental organization or an international quasi-governmental organization; and

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

41 “(b) If the identification presented by the purchaser under paragraph (a) of this subsection does
42 not include the current address of the purchaser, the purchaser shall present a second piece of
43 current identification that contains the current address of the purchaser. The Superintendent of
44 State Police may specify by rule the type of identification that may be presented under this para-
45 graph.

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

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

6 “(6) No public employee, official or agency shall be held criminally or civilly liable for per-
7 forming the investigations required by this section provided the employee, official or agency acts in
8 good faith and without malice.

9 “(7)(a) The department may retain a record of the information obtained during a request for a
10 criminal history record check for no more than five years, **except that information provided to**
11 **the gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm pur-**
12 **chased by a permit holder shall be retained and attached to the electronic record of the**
13 **permit stored by the department. The department may develop a system for removal of the**
14 **information described in subsection (2)(d)(E) of this section upon proof of sale or transfer**
15 **of the firearm to another permit holder, and for the recording of the information to reflect**
16 **the transfer of ownership to the permit of the new owner.**

17 “(b) The record of the information obtained during a request for a criminal history record check
18 by a gun dealer is exempt from disclosure under public records law.

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

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

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

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

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

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

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

43 “(A) The number of purchasers whom the department determined were prohibited from possess-
44 ing a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

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

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

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

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

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

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

14 “(c) The provision of a security system to identify gun dealers that request a criminal history
15 record check under subsection (2) of this section; and

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

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

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

21 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a crim-
22 inal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for
23 providing the service.

24 “(b) A gun dealer that requests a criminal background check under this subsection is immune
25 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun
26 dealer:

27 “(A) Requests the criminal background check as described in this section;

28 “(B) Receives a unique approval number from the department indicating successful completion
29 of the criminal background check;

30 “(C) Allows 72 hours to elapse between receipt of the unique approval number and transfer of
31 the firearm; and

32 “(D) [*For transfers occurring on or after July 1, 2024*] **Unless an exception described in sub-**
33 **section (15) of this section applies**, verifies that the recipient has a valid permit to purchase the
34 firearm.

35 “[*(14)(a) Knowingly selling or delivering a firearm to a purchaser or transferee prior to receiving*
36 *a unique approval number from the department based on the criminal background check in violation*
37 *of subsection (3)(c) of this section is a Class A misdemeanor.*]

38 “[*(b)*] **(14)** [*For transfers occurring on or after July 1, 2024,*] Knowingly selling or delivering a
39 firearm to a purchaser or transferee who does not have a valid permit to purchase a firearm in vi-
40olation of subsection (2)(d) of this section **and does not qualify for an exception described in**
41 **subsection (15) of this section**, or prior to receiving a unique approval number from the depart-
42ment based on the criminal background check in violation of subsection (3)(c) of this section, is a
43 Class A misdemeanor.

44 “**(15) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**
45 **2023 (Ballot Measure 114 (2022)), is not required for a firearm purchase from a gun dealer**

1 under this section if:

2 “(a) The purchaser can demonstrate proof of completion of a firearm safety course as
3 defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-
4 chasing:

5 “(A) A single-shot rifle, whether centerfire or rimfire;

6 “(B) A double-barreled shotgun;

7 “(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,
8 straight-pull or revolving action;

9 “(D) A rifle with an attached tubular magazine designed to accept, and capable of oper-
10 ating only with, 0.22 caliber rimfire ammunition;

11 “(E) A muzzleloader rifle; or

12 “(F) A shotgun with a pump, break, lever or revolving action; or

13 “(b) The purchaser is:

14 “(A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and
15 presents valid identification and an identification number issued to the purchaser by the
16 Department of Public Safety Standards and Training; or

17 “(B) An active duty member of the Armed Forces of the United States as defined in ORS
18 352.313 and presents valid identification.

19 “SECTION 13. ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, and section
20 7 of this 2023 Act, 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
45 transferor may not transfer a firearm to a transferee unless the transfer is completed through a gun

1 dealer as 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. Ex-
3 cept as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and
4 the transferee must appear in person before a gun dealer, with the firearm and, *[for transfers oc-*
5 *curring on or after July 1, 2024]* **unless an exception described in subsection (6) of this section**
6 **applies**, a valid permit-to-purchase issued to the transferee under section 4, chapter 1, Oregon Laws
7 2023, and request that the gun dealer perform a criminal background check on the transferee.

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

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

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

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

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

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

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

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

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

32 “(c) The transfer of a firearm to:

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

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

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

36 “(D) A transferor’s sibling;

37 “(E) A transferor’s grandparent;

38 “(F) A transferor’s grandchild;

39 “(G) A transferor’s aunt or uncle;

40 “(H) A transferor’s first cousin;

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

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

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

1 “(A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
2 111.005, or a trustee of a trust created in a will; and

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

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

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

10 “(6) **A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**
11 **2023 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if:**

12 “(a) **The transferee can demonstrate proof of completion of a firearm safety course as**
13 **defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-**
14 **chasing:**

15 “(A) **A single-shot rifle, whether centerfire or rimfire;**

16 “(B) **A double-barreled shotgun;**

17 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
18 **straight-pull or revolving action;**

19 “(D) **A rifle with an attached tubular magazine designed to accept, and capable of oper-**
20 **ating only with, 0.22 caliber rimfire ammunition;**

21 “(E) **A muzzleloader rifle; or**

22 “(F) **A shotgun with a pump, break, lever or revolving action; or**

23 “(b) **The transferee is:**

24 “(A) **An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**
25 **presents valid identification and an identification number issued to the transferee by the**
26 **Department of Public Safety Standards and Training; or**

27 “(B) **An active duty member of the Armed Forces of the United States as defined in ORS**
28 **352.313 and presents valid identification.**

29 “**SECTION 14.** ORS 166.436, as amended by section 8, chapter 1, Oregon Laws 2023, and section
30 8 of this 2023 Act, is amended to read:

31 “166.436. (1) The Department of State Police shall make the telephone number established under
32 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
33 sons who are not gun dealers and who are transferring firearms at gun shows.

34 “(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall
35 by telephone request that the department conduct a criminal background check on the recipient,
36 verify, *[for transfers occurring on or after July 1, 2024]* **unless an exception described in ORS**
37 **166.438 (7) applies**, that the transferee has a valid permit to purchase a firearm under section 4,
38 chapter 1, Oregon Laws 2023, and provide the following information to the department:

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

40 “(b) The make, model, caliber and manufacturer’s number of the firearm being transferred;

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

42 “(d) The Social Security number of the recipient if the recipient voluntarily provides that num-
43 ber;

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

45 “(f) The type, issuer and identification number of a current piece of identification bearing a re-

1 cent photograph of the recipient presented by the recipient. The identification presented by the re-
2 cipient must meet the requirements of ORS 166.412 (4)(a).

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

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

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

13 “(b) If the department is unable to determine whether the recipient is qualified for or disquali-
14 fied from completing the transfer within 30 minutes of receiving the request, the department shall
15 notify the transferor and provide the transferor with an estimate of the time when the department
16 will provide the requested information.

17 “(c) The transferor may not transfer the firearm unless the transferor receives a unique ap-
18 proval number from the department and, within 48 hours of the completed transfer, the transferor
19 shall notify the department that the transfer was completed.

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

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

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

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

32 “(d) If the department determines that, based on the judgment of conviction, the recipient is
33 prohibited from possessing a firearm as a condition of probation or that the recipient is currently
34 on post-prison supervision or parole, the department shall report the attempted transfer to the
35 recipient’s supervising officer and the district attorney of the county in which the conviction oc-
36 curred.

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

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

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

45 “(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s

1 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
2 endar year shall inform the department of any action that was taken concerning the report and the
3 outcome of the action.

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

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

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

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

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

14 “(6) The recipient of the firearm must be present when the transferor requests a criminal
15 background check under this section.

16 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who re-
17 ceives notification under this section that the recipient is qualified to complete the transfer of a
18 firearm, has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as
19 required by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time
20 of the transfer unless the transferor knows, or reasonably should know, that the recipient is likely
21 to commit an unlawful act involving the firearm.

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

23 “(A) If the transferor knows, or reasonably should know, that the recipient of the firearm in-
24 tends to deliver the firearm to a third person who the transferor knows, or reasonably should know,
25 may not lawfully possess the firearm; or

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

27 “**SECTION 15.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, and section
28 9 of this 2023 Act, is amended to read:

29 “166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show
30 unless the transferor:

31 “(a)(A) [*For transfers occurring on or after July 1, 2024*] **Unless an exception described in**
32 **subsection (7) of this section applies**, verifies with the Department of State Police that the re-
33 cipient has a valid permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023;

34 “(B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

35 “(C) Receives a unique approval number from the department indicating that the recipient is
36 qualified to complete the transfer; and

37 “(D) Has the recipient complete the form described in ORS 166.441; or

38 “(b) Completes the transfer through a gun dealer.

39 “(2) The transferor shall retain the completed form referred to in subsection (1) of this section
40 for at least five years and shall make the completed form available to law enforcement agencies for
41 the purpose of criminal investigations.

42 “(3) A person who organizes a gun show shall post in a prominent place at the gun show a no-
43 tice explaining the requirements of subsections (1) and (2) of this section. The person shall provide
44 the form required by subsection (1) of this section to any person transferring a firearm at the gun
45 show.

1 “(4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
2 18 U.S.C. 923.

3 “(5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a
4 Class A misdemeanor.

5 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements
6 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous
7 convictions under this section at the time of the offense.

8 “(6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that
9 the person did not know, or reasonably could not know, that more than 25 firearms were at the site
10 and available for transfer.

11 “(7) **A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws**
12 **2023 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if:**

13 “(a) **The recipient can demonstrate proof of completion of a firearm safety course as**
14 **defined in section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is pur-**
15 **chasing:**

16 “(A) **A single-shot rifle, whether centerfire or rimfire;**

17 “(B) **A double-barreled shotgun;**

18 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
19 **straight-pull or revolving action;**

20 “(D) **A rifle with an attached tubular magazine designed to accept, and capable of oper-**
21 **ating only with, 0.22 caliber rimfire ammunition;**

22 “(E) **A muzzleloader rifle; or**

23 “(F) **A shotgun with a pump, break, lever or revolving action; or**

24 “(b) **The recipient is:**

25 “(A) **An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**
26 **presents valid identification and an identification number issued to the recipient by the De-**
27 **partment of Public Safety Standards and Training; or**

28 “(B) **An active duty member of the Armed Forces of the United States as defined in ORS**
29 **352.313 and presents valid identification.**

30 “**SECTION 16. (1) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections**
31 **12 to 15 of this 2023 Act become operative on July 1, 2024.**

32 “(2) **The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 12 to 15 of**
33 **this 2023 Act apply to firearm transfers occurring on or after July 1, 2024.**

34
35 “**TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026**

36
37 “**SECTION 17. ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, and**
38 **sections 6 and 12 of this 2023 Act, is amended to read:**

39 “166.412. (1) As used in this section:

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

41 “(b) ‘Department’ means the Department of State Police;

42 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include
43 an antique firearm;

44 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.
45 921 to 929;

1 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under
2 subsection (11) of this section;

3 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
4 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
5 otherwise; and

6 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm from a gun
7 dealer.

8 “(2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
9 following before a firearm is delivered to a purchaser:

10 “(a) The purchaser shall present to the gun dealer current identification meeting the require-
11 ments of subsection (4) of this section and, unless an exception described in subsection (15) of this
12 section applies, a valid permit issued under section 4, chapter 1, Oregon Laws 2023.

13 “(b) The gun dealer shall complete the firearms transaction record and obtain the signature of
14 the purchaser on the record.

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

18 “(d) The gun dealer shall, by telephone or computer, request that the department conduct a
19 criminal background check on the purchaser, verify, unless an exception described in subsection (15)
20 of this section applies, that the purchaser has a valid permit to purchase a firearm issued under
21 section 4, chapter 1, Oregon Laws 2023, and provide the following information to the department:

22 “(A) The federal firearms license number of the gun dealer;

23 “(B) The business name of the gun dealer;

24 “(C) The place of transfer;

25 “(D) The name of the person making the transfer;

26 “(E) The make, model, caliber and manufacturer’s number of the firearm being transferred;

27 “(F) The name and date of birth of the purchaser;

28 “(G) The Social Security number of the purchaser if the purchaser voluntarily provides this
29 number to the gun dealer; and

30 “(H) The type, issuer and identification number of the identification presented by the purchaser.

31 “(e) The gun dealer shall receive a unique approval number for the transfer from the department
32 and record the approval number on the firearms transaction record and on the firearms transaction
33 thumbprint form.

34 “(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
35 completion of the firearms transaction thumbprint form.

36 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
37 partment shall immediately, during the gun dealer’s telephone call or by return call:

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

40 “(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or
41 provide the gun dealer with a unique approval number indicating that the purchaser is qualified to
42 complete the transfer.

43 “(b) If the department is unable to determine within 30 minutes if the purchaser is qualified or
44 disqualified from completing the transfer, the department shall notify the gun dealer and provide the
45 gun dealer with an estimate of the time when the department will provide the requested information.

1 “(c) The dealer may not transfer the firearm unless:
2 “(A) The dealer receives a unique approval number from the department; and
3 “(B) Seventy-two hours has elapsed since receipt of the unique approval number.
4 “(d) Within 48 hours of completing the transfer, the dealer shall notify the department that the
5 transfer was completed.
6 “(e) **A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**
7 **only for the purchase or acquisition of the following firearms while the permit holder is un-**
8 **der 21 years of age:**
9 “(A) **A single-shot rifle, whether centerfire or rimfire;**
10 “(B) **A double-barreled shotgun;**
11 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
12 **straight-pull or revolving action;**
13 “(D) **A rifle with an attached tubular magazine designed to accept, and capable of oper-**
14 **ating only with, 0.22 caliber rimfire ammunition;**
15 “(E) **A muzzleloader rifle; or**
16 “(F) **A shotgun with a pump, break, lever or revolving action.**
17 “(4)(a) Identification required of the purchaser under subsection (2) of this section shall include
18 one piece of current identification bearing a photograph and the date of birth of the purchaser that:
19 “(A) Is issued under the authority of the United States Government, a state, a political subdivi-
20 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
21 tional governmental organization or an international quasi-governmental organization; and
22 “(B) Is intended to be used for identification of an individual or is commonly accepted for the
23 purpose of identification of an individual.
24 “(b) If the identification presented by the purchaser under paragraph (a) of this subsection does
25 not include the current address of the purchaser, the purchaser shall present a second piece of
26 current identification that contains the current address of the purchaser. The Superintendent of
27 State Police may specify by rule the type of identification that may be presented under this para-
28 graph.
29 “(c) The department may require that the gun dealer verify the identification of the purchaser
30 if that identity is in question by sending the thumbprints of the purchaser to the department.
31 “(5) The department shall establish a telephone number that shall be operational seven days a
32 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun
33 dealers for a criminal history record check under this section.
34 “(6) No public employee, official or agency shall be held criminally or civilly liable for per-
35 forming the investigations required by this section provided the employee, official or agency acts in
36 good faith and without malice.
37 “(7)(a) The department may retain a record of the information obtained during a request for a
38 criminal history record check for no more than five years, except that information provided to the
39 gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm purchased by a
40 permit holder shall be retained and attached to the electronic record of the permit stored by the
41 department. The department may develop a system for removal of the information described in sub-
42 section (2)(d)(E) of this section upon proof of sale or transfer of the firearm to another permit holder,
43 and for the recording of the information to reflect the transfer of ownership to the permit of the new
44 owner.
45 “(b) The record of the information obtained during a request for a criminal history record check

1 by a gun dealer is exempt from disclosure under public records law.

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

7 “(d) If the department determines that, based on the judgment of conviction, the purchaser is
8 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently
9 on post-prison supervision or parole, the department shall report the attempted transfer to the
10 purchaser’s supervising officer and the district attorney of the county in which the conviction oc-
11 curred.

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

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

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

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

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

26 “(A) The number of purchasers whom the department determined were prohibited from possess-
27 ing a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

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

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

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

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

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

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

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

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

42 “(c) The provision of a security system to identify gun dealers that request a criminal history
43 record check under subsection (2) of this section; and

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

45 “(11) The department shall publish the firearms transaction thumbprint form and shall furnish

1 the form to gun dealers on application at cost.

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

4 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a crim-
5 inal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for
6 providing the service.

7 “(b) A gun dealer that requests a criminal background check under this subsection is immune
8 from civil liability for any use of the firearm by the recipient or transferee, provided that the gun
9 dealer:

10 “(A) Requests the criminal background check as described in this section;

11 “(B) Receives a unique approval number from the department indicating successful completion
12 of the criminal background check;

13 “(C) Allows 72 hours to elapse between receipt of the unique approval number and transfer of
14 the firearm; and

15 “(D) Unless an exception described in subsection (15) of this section applies, verifies that the
16 recipient has a valid permit to purchase the firearm.

17 “(14) Knowingly selling or delivering a firearm to a purchaser or transferee who does not have
18 a valid permit to purchase a firearm in violation of subsection (2)(d) of this section and does not
19 qualify for an exception described in subsection (15) of this section, or prior to receiving a unique
20 approval number from the department based on the criminal background check in violation of sub-
21 section (3)(c) of this section, is a Class A misdemeanor.

22 “(15) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023
23 (Ballot Measure 114 (2022)), is not required for a firearm purchase from a gun dealer under this
24 section if[.]

25 “[*(a) The purchaser can demonstrate proof of completion of a firearm safety course as defined in
26 section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:*]

27 “[*(A) A single-shot rifle, whether centerfire or rimfire;*]

28 “[*(B) A double-barreled shotgun;*]

29 “[*(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or
30 revolving action;*]

31 “[*(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only
32 with, 0.22 caliber rimfire ammunition;*]

33 “[*(E) A muzzleloader rifle; or*]

34 “[*(F) A shotgun with a pump, break, lever or revolving action; or*]

35 “[*(b) the purchaser is:*]

36 “[*(A)*] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and
37 presents valid identification and an identification number issued to the purchaser by the Department
38 of Public Safety Standards and Training; or

39 “[*(B)*] (b) An active duty member of the Armed Forces of the United States as defined in ORS
40 352.313 and presents valid identification.

41 “**SECTION 18.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, and
42 sections 7 and 13 of this 2023 Act, is amended to read:

43 “166.435. (1) As used in this section:

44 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a transferee, including, but
45 not limited to, the sale, gift, loan or lease of the firearm. ‘Transfer’ does not include the temporary

1 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is
2 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and
3 the provision occurs:

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

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

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

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

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

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

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

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

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

24 “(3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Ex-
25 cept as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and
26 the transferee must appear in person before a gun dealer, with the firearm and, unless an exception
27 described in subsection (6) of this section applies, a valid permit-to-purchase issued to the transferee
28 under section 4, chapter 1, Oregon Laws 2023, and request that the gun dealer perform a criminal
29 background check on the transferee.

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

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

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

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

40 “(B) Receives notification that the transferee is prohibited by state or federal law from pos-
41 sessed or receiving the firearm or that the department is unable to determine if the transferee is
42 qualified or disqualified from completing the transfer, the gun dealer shall notify the transferor and
43 neither the transferor nor the gun dealer shall transfer the firearm to the transferee. If the
44 transferor shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this sub-
45 section, the gun dealer shall comply with federal law when returning the firearm to the transferor.

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

3 “(f) **A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**
4 **only for the purchase or acquisition of the following firearms while the permit holder is un-**
5 **der 21 years of age:**

6 “(A) **A single-shot rifle, whether centerfire or rimfire;**

7 “(B) **A double-barreled shotgun;**

8 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
9 **straight-pull or revolving action;**

10 “(D) **A rifle with an attached tubular magazine designed to accept, and capable of oper-**
11 **ating only with, 0.22 caliber rimfire ammunition;**

12 “(E) **A muzzleloader rifle; or**

13 “(F) **A shotgun with a pump, break, lever or revolving action.**

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

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

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

20 “(c) The transfer of a firearm to:

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

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

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

24 “(D) A transferor’s sibling;

25 “(E) A transferor’s grandparent;

26 “(F) A transferor’s grandchild;

27 “(G) A transferor’s aunt or uncle;

28 “(H) A transferor’s first cousin;

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

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

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

34 “(A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
35 111.005, or a trustee of a trust created in a will; and

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

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

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

43 “(6) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023
44 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if[:]

45 “[*(a) The transferee can demonstrate proof of completion of a firearm safety course as defined in*

1 *section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:]*

2 *“(A) A single-shot rifle, whether centerfire or rimfire;]*

3 *“(B) A double-barreled shotgun;]*

4 *“(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*
5 *revolving action;]*

6 *“(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*
7 *with, 0.22 caliber rimfire ammunition;]*

8 *“(E) A muzzleloader rifle; or]*

9 *“(F) A shotgun with a pump, break, lever or revolving action; or]*

10 *“(b) the transferee is:*

11 *“(A) (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and*
12 *presents valid identification and an identification number issued to the transferee by the Department*
13 *of Public Safety Standards and Training; or*

14 *“(B) (b) An active duty member of the Armed Forces of the United States as defined in ORS*
15 *352.313 and presents valid identification.*

16 **“SECTION 19.** ORS 166.436, as amended by section 8, chapter 1, Oregon laws 2023, and sections
17 8 and 14 of this 2023 Act, is amended to read:

18 **“166.436. (1)** The Department of State Police shall make the telephone number established under
19 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
20 sons who are not gun dealers and who are transferring firearms at gun shows.

21 **“(2)** Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall
22 by telephone request that the department conduct a criminal background check on the recipient,
23 verify, unless an exception described in ORS 166.438 (7) applies, that the transferee has a valid
24 permit to purchase a firearm under section 4, chapter 1, Oregon Laws 2023, and provide the fol-
25 lowing information to the department:

26 **“(a)** The name, address and telephone number of the transferor;

27 **“(b)** The make, model, caliber and manufacturer’s number of the firearm being transferred;

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

29 **“(d)** The Social Security number of the recipient if the recipient voluntarily provides that num-
30 ber;

31 **“(e)** The address of the place where the transfer is occurring; and

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

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

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

40 **“(B)** Notify the transferor when a recipient is disqualified from completing the transfer or pro-
41 vide the transferor with a unique approval number indicating that the recipient is qualified to
42 complete the transfer. The unique approval number is an authorization valid for 24 hours for the
43 requested transfer. If the firearm is not transferred from the transferor to the recipient within 24
44 hours after receipt of the unique approval number, a new request must be made by the transferor.

45 **“(b)** If the department is unable to determine whether the recipient is qualified for or disquali-

1 fied from completing the transfer within 30 minutes of receiving the request, the department shall
2 notify the transferor and provide the transferor with an estimate of the time when the department
3 will provide the requested information.

4 “(c) The transferor may not transfer the firearm unless the transferor receives a unique ap-
5 proval number from the department and, within 48 hours of the completed transfer, the transferor
6 shall notify the department that the transfer was completed.

7 “(d) **A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**
8 **only for the purchase or acquisition of the following firearms while the permit holder is un-**
9 **der 21 years of age:**

10 “(A) **A single-shot rifle, whether centerfire or rimfire;**

11 “(B) **A double-barreled shotgun;**

12 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
13 **straight-pull or revolving action;**

14 “(D) **A rifle with an attached tubular magazine designed to accept, and capable of oper-**
15 **ating only with, 0.22 caliber rimfire ammunition;**

16 “(E) **A muzzleloader rifle; or**

17 “(F) **A shotgun with a pump, break, lever or revolving action.**

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

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

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

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

30 “(d) If the department determines that, based on the judgment of conviction, the recipient is
31 prohibited from possessing a firearm as a condition of probation or that the recipient is currently
32 on post-prison supervision or parole, the department shall report the attempted transfer to the
33 recipient’s supervising officer and the district attorney of the county in which the conviction oc-
34 curred.

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

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

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

43 “(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s
44 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
45 endar year shall inform the department of any action that was taken concerning the report and the

1 outcome of the action.

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

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

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

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

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

12 “(6) The recipient of the firearm must be present when the transferor requests a criminal
13 background check under this section.

14 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who re-
15 ceives notification under this section that the recipient is qualified to complete the transfer of a
16 firearm, has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as
17 required by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time
18 of the transfer unless the transferor knows, or reasonably should know, that the recipient is likely
19 to commit an unlawful act involving the firearm.

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

21 “(A) If the transferor knows, or reasonably should know, that the recipient of the firearm in-
22 tends to deliver the firearm to a third person who the transferor knows, or reasonably should know,
23 may not lawfully possess the firearm; or

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

25 “**SECTION 20.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, and
26 sections 9 and 15 of this 2023 Act, is amended to read:

27 “166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show
28 unless the transferor:

29 “(a)(A) Unless an exception described in subsection (7) of this section applies, verifies with the
30 Department of State Police that the recipient has a valid permit-to-purchase issued under section
31 4, chapter 1, Oregon Laws 2023;

32 “(B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

33 “(C) Receives a unique approval number from the department indicating that the recipient is
34 qualified to complete the transfer; and

35 “(D) Has the recipient complete the form described in ORS 166.441; or

36 “(b) Completes the transfer through a gun dealer.

37 “(2)(a) The transferor shall retain the completed form referred to in subsection (1) of this section
38 for at least five years and shall make the completed form available to law enforcement agencies for
39 the purpose of criminal investigations.

40 “(b) **A permit-to-purchase issued under section 4, chapter 1, Oregon Laws 2023, is valid**
41 **only for the purchase or acquisition of the following firearms while the permit holder is un-**
42 **der 21 years of age:**

43 “(A) **A single-shot rifle, whether centerfire or rimfire;**

44 “(B) **A double-barreled shotgun;**

45 “(C) **A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**

1 **straight-pull or revolving action;**

2 **“(D) A rifle with an attached tubular magazine designed to accept, and capable of oper-**
3 **ating only with, 0.22 caliber rimfire ammunition;**

4 **“(E) A muzzleloader rifle; or**

5 **“(F) A shotgun with a pump, break, lever or revolving action.**

6 “(3) A person who organizes a gun show shall post in a prominent place at the gun show a no-
7 tice explaining the requirements of subsections (1) and (2) of this section. The person shall provide
8 the form required by subsection (1) of this section to any person transferring a firearm at the gun
9 show.

10 “(4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
11 18 U.S.C. 923.

12 “(5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a
13 Class A misdemeanor.

14 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements
15 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous
16 convictions under this section at the time of the offense.

17 “(6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that
18 the person did not know, or reasonably could not know, that more than 25 firearms were at the site
19 and available for transfer.

20 “(7) A valid permit to purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023
21 (Ballot Measure 114 (2022)), is not required for a firearm transfer under this section if[.]

22 “[*(a) The recipient can demonstrate proof of completion of a firearm safety course as defined in*
23 *section 4 (8), chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), and is purchasing:*]

24 “[*(A) A single-shot rifle, whether centerfire or rimfire;*]

25 “[*(B) A double-barreled shotgun;*]

26 “[*(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*
27 *revolving action;*]

28 “[*(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*
29 *with, 0.22 caliber rimfire ammunition;*]

30 “[*(E) A muzzleloader rifle; or*]

31 “[*(F) A shotgun with a pump, break, lever or revolving action; or*]

32 “[*(b)*] the recipient is:

33 “[*(A)*] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and
34 presents valid identification and an identification number issued to the recipient by the Department
35 of Public Safety Standards and Training; or

36 “[*(B)*] (b) An active duty member of the Armed Forces of the United States as defined in ORS
37 352.313 and presents valid identification.

38 **“SECTION 21. (1) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections**
39 **17 to 20 of this 2023 Act become operative on July 1, 2026.**

40 **“(2) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections 17 to 20 of**
41 **this 2023 Act apply to firearm transfers occurring on or after July 1, 2026.**

42
43 **“MISCELLANEOUS PROVISIONS OF BALLOT MEASURE 114**

44
45 **“SECTION 22.** Section 13, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended

1 to read:

2 “**Sec. 13.** The provisions of [*this 2022 Act*] **chapter 1, Oregon Laws 2023 (Ballot Measure 114**
3 **(2022)**), apply to all actions taken on or after [*the effective date of this 2022 Act*] **December 8,**
4 **2022**, [*unless*] **except as** expressly stated otherwise [*herein*] **by law.** [*This 2022 Act may be known*
5 *and cited as the Reduction of Gun Violence Act.*]

6

7

“CHALLENGE TO LEGALITY OF ACT

8

9 “**SECTION 23.** Any action challenging the legality, including the constitutionality, of this
10 **2023 Act must be commenced in the Circuit Court for Marion County.**

11

12

“CAPTIONS

13

14 “**SECTION 24.** The unit captions used in this 2023 Act are provided only for the conven-
15 **ience of the reader and do not become part of the statutory law of this state or express any**
16 **legislative intent in the enactment of this 2023 Act.**

17

18

“EMERGENCY CLAUSE

19

20 “**SECTION 25.** This 2023 Act being necessary for the immediate preservation of the public
21 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
22 **on its passage.”.**

23
