

Requested by Senator LIEBER

**PROPOSED AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 2005**

1 On page 1 of the printed B-engrossed bill, line 2, after “166.250” delete the  
2 rest of the line and delete line 3 and insert “and 166.412; and declaring an  
3 emergency.”.

4 Delete lines 5 and 6 and delete page 2.

5 On page 3, delete lines 1 through 12 and insert:

6 **“SECTION 1.** ORS 166.210 is amended to read:

7 “166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410  
8 to 166.470:

9 “(1) ‘Antique firearm’ means:

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

13 “(b) Any replica of any firearm described in paragraph (a) of this sub-  
14 section if the replica:

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

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

20 “(2) ‘Corrections officer’ has the meaning given that term in ORS  
21 181A.355.

1 “(3) ‘Firearm’ means a weapon, by whatever name known, which is de-  
2 signed to expel a projectile by the action of powder.

3 “(4) ‘Firearms silencer’ means any device for silencing, muffling or di-  
4 minishing the report of a firearm.

5 “(5) **‘Frame’ has the meaning given that term in 27 C.F.R. 478.12.**

6 “[5] (6) ‘Handgun’ means any pistol or revolver using a fixed cartridge  
7 containing a propellant charge, primer and projectile, and designed to be  
8 aimed or fired otherwise than from the shoulder.

9 “[6] (7) ‘Machine gun’ means a weapon of any description by whatever  
10 name known, loaded or unloaded, which is designed or modified to allow two  
11 or more shots to be fired by a single pressure on the trigger device.

12 “(8) **‘Major component’ has the meaning given that term in 18**  
13 **U.S.C. 922.**

14 “[7] (9) ‘Minor’ means a person under 18 years of age.

15 “[8] (10) ‘Offense’ has the meaning given that term in ORS 161.505.

16 “[9] (11) ‘Parole and probation officer’ has the meaning given that term  
17 in ORS 181A.355.

18 “[10] (12) ‘Peace officer’ has the meaning given that term in ORS  
19 133.005.

20 “(13) **‘Receiver’ has the meaning given that term in 27 C.F.R. 478.12.**

21 “(14) **‘Security exemplar’ has the meaning given that term in 18**  
22 **U.S.C. 922.**

23 “[11] (15) ‘Short-barreled rifle’ means a rifle having one or more barrels  
24 less than 16 inches in length and any weapon made from a rifle if the weapon  
25 has an overall length of less than 26 inches.

26 “[12] (16) ‘Short-barreled shotgun’ means a shotgun having one or more  
27 barrels less than 18 inches in length and any weapon made from a shotgun  
28 if the weapon has an overall length of less than 26 inches.

29 “(17) **‘Undetectable firearm’ means a firearm:**

30 “(a) **Constructed or produced, including through a three-**

1 **dimensional printing process, entirely of nonmetal substances;**

2 **“(b) That, after removal of grips, stocks and magazines, is not as**  
3 **detectable as a security exemplar by a walk-through metal detector**  
4 **calibrated to detect the security exemplar; or**

5 **“(c) That includes a major component that, if subjected to in-**  
6 **spection by the types of X-ray machines commonly used at airports,**  
7 **would not generate an image that accurately depicts the shape of the**  
8 **component.**

9 **“(18)(a) ‘Unfinished frame or receiver’ means a forging, casting,**  
10 **printing, extrusion, machined body or similar item that:**

11 **“(A) Is designed to or may readily be completed, assembled or oth-**  
12 **erwise converted to function as a frame or receiver; or**

13 **“(B) Is marketed or sold to the public to be completed, assembled**  
14 **or otherwise converted to function as a frame or receiver.**

15 **“(b) ‘Unfinished frame or receiver’ does not include a component**  
16 **designed and intended for use in an antique firearm.”.**

17 On page 4, delete lines 35 through 45 and delete pages 5 through 17 and  
18 insert:

19 **“SECTION 6. ORS 166.250 is amended to read:**

20 **“166.250. (1) Except as otherwise provided in this section or ORS 166.260,**  
21 **166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-**  
22 **mits the crime of unlawful possession of a firearm if the person knowingly:**

23 **“(a) Carries any firearm concealed upon the person;**

24 **“(b) Possesses a handgun that is concealed and readily accessible to the**  
25 **person within any vehicle; [or]**

26 **“(c) Possesses a firearm and:**

27 **“(A) Is under 18 years of age;**

28 **“(B)(i) While a minor, was found to be within the jurisdiction of the ju-**  
29 **venile court for having committed an act which, if committed by an adult,**  
30 **would constitute a felony or a misdemeanor involving violence, as defined**

1 in ORS 166.470; and

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

4 “(C) Has been convicted of a felony;

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

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

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

11 “(G) Has been found guilty except for insanity under ORS 161.295 of a  
12 felony; or

13 “(H) The possession of the firearm by the person is prohibited under ORS  
14 166.255[.]; or

15 **“(d) Possesses an unfinished frame or receiver and is prohibited**  
16 **from possessing firearms under paragraph (c) of this subsection.**

17 “(2) This section does not prohibit:

18 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of  
19 this section, from possessing a firearm:

20 “(A) Other than a handgun, if the firearm was transferred to the minor  
21 by the minor’s parent or guardian or by another person with the consent of  
22 the minor’s parent or guardian; or

23 “(B) Temporarily for hunting, target practice or any other lawful purpose;

24 or

25 “(b) Any citizen of the United States over the age of 18 years who resides  
26 in or is temporarily sojourning within this state, and who is not within the  
27 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,  
28 from owning, possessing or keeping within the person’s place of residence  
29 or place of business any handgun, and no permit or license to purchase, own,  
30 possess or keep any such firearm at the person’s place of residence or place

1 of business is required of any such citizen. As used in this subsection, ‘resi-  
2 dence’ includes a recreational vessel or recreational vehicle while used, for  
3 whatever period of time, as residential quarters.

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

6 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a  
7 handgun is readily accessible within the meaning of this section if the  
8 handgun is within the passenger compartment of the vehicle.

9 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this  
10 subsection, has no storage location that is outside the passenger compart-  
11 ment of the vehicle, a handgun is not readily accessible within the meaning  
12 of this section if:

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

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

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

19 “(A) The handgun is in a locked container within or affixed to the vehi-  
20 cle; or

21 “(B) The handgun is equipped with a trigger lock or other locking mech-  
22 anism that prevents the discharge of the firearm.

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

24 “**SECTION 7.** ORS 166.412, as amended by section 6, chapter 1, Oregon  
25 Laws 2023, is amended to read:

26 “166.412. (1) As used in this section:

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

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

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

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

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

5 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in  
6 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether  
7 the person is a retail dealer, pawnbroker or otherwise; [*and*]

8 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a  
9 firearm **or unfinished frame or receiver** from a gun dealer[.]; **and**

10 “(h) ‘**Unfinished frame or receiver**’ has the meaning given that term  
11 **in ORS 166.210.**

12 “(2) Except as provided in subsection (12) of this section, a gun dealer  
13 shall comply with the following before a firearm **or unfinished frame or**  
14 **receiver** is delivered to a purchaser:

15 “(a) The purchaser shall present to the gun dealer current identification  
16 meeting the requirements of subsection (4) of this section and a valid permit  
17 issued under section 4, chapter 1, Oregon Laws 2023.

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

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

23 “(d) The gun dealer shall, by telephone or computer, verify that the pur-  
24 chaser has a valid permit-to-purchase a firearm issued under section 4,  
25 chapter 1, Oregon Laws 2023, and request that the department conduct a  
26 criminal history record check on the purchaser and shall provide the fol-  
27 lowing information to the department:

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

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

30 “(C) The place of transfer;

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

2 “(E) The make, model, caliber and manufacturer’s number of the firearm  
3 being transferred **or a description of the unfinished frame or receiver**  
4 **being transferred;**

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

6 “(G) The Social Security number of the purchaser if the purchaser vol-  
7 untarily provides this number to the gun dealer; and

8 “(H) The type, issuer and identification number of the identification pre-  
9 sented by the purchaser.

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

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

15 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history  
16 record check, the department shall immediately, during the gun dealer’s  
17 telephone call or by return call:

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

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

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

28 “(c) The dealer may not transfer the firearm **or unfinished frame or**  
29 **receiver** unless the dealer receives a unique approval number from the de-  
30 partment and, within 48 hours of completing the transfer, the dealer shall

1 notify the state that the transfer to the permit holder was completed.

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

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

9 “(B) Is intended to be used for identification of an individual or is com-  
10 monly accepted for the purpose of identification of an individual.

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

17 “(c) The department may require that the gun dealer verify the identifi-  
18 cation of the purchaser if that identity is in question by sending the  
19 thumbprints of the purchaser to the department.

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

24 “(6) No public employee, official or agency shall be held criminally or  
25 civilly liable for performing the investigations required by this section pro-  
26 vided the employee, official or agency acts in good faith and without malice.

27 “(7)(a) The department may retain a record of the information obtained  
28 during a request for a criminal history record check for no more than five  
29 years, except for the information provided to the dealer under subsection  
30 (2)(d) of this section, sufficient to reflect each firearm **or unfinished frame**

1 **or receiver** purchased by a permit holder, which must be attached to the  
2 electronic record of the permit stored by the department. The department  
3 may develop a system for removal of the information in subsection (2)(d)(E)  
4 of this section, upon proof of sale or transfer of the firearm **or unfinished**  
5 **frame or receiver** to another permit holder and for recording of the infor-  
6 mation to reflect the transfer of ownership to the permit of the new owner.

7 “(b) The record of the information obtained during a request for a crimi-  
8 nal history record check by a gun dealer is exempt from disclosure under  
9 public records law.

10 “(c) If the department determines that a purchaser is prohibited from  
11 possessing a firearm under ORS 166.250 (1)(c), the department shall report  
12 the attempted transfer, the purchaser’s name and any other personally iden-  
13 tifiable information to all federal, state and local law enforcement agencies  
14 and district attorneys that have jurisdiction over the location or locations  
15 where the attempted transfer was made and where the purchaser resides.

16 “(d) If the department determines that, based on the judgment of con-  
17 viction, the purchaser is prohibited from possessing a firearm as a condition  
18 of probation or that the purchaser is currently on post-prison supervision or  
19 parole, the department shall report the attempted transfer to the purchaser’s  
20 supervising officer and the district attorney of the county in which the con-  
21 viction occurred.

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

26 “(f) If the department determines that the purchaser is under the juris-  
27 diction of the Psychiatric Security Review Board, the department shall re-  
28 port the attempted transfer to the board.

29 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be  
30 made within 24 hours after the determination is made, unless a report would

1 compromise an ongoing investigation, in which case the report may be de-  
2 layed as long as necessary to avoid compromising the investigation.

3 “(h) On or before January 31 of each year, a law enforcement agency or  
4 a prosecuting attorney’s office that received a report pursuant to paragraph  
5 (c) of this subsection during the previous calendar year shall inform the de-  
6 partment of any action that was taken concerning the report and the out-  
7 come of the action.

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

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

14 “(B) The number of reports made pursuant to paragraph (c) of this sub-  
15 section;

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

20 “(D) The number of criminal charges arising from the reports made pur-  
21 suant to paragraph (c) of this subsection and the disposition of the charges,  
22 both arranged by category of prohibition.

23 “(8) A law enforcement agency may inspect the records of a gun dealer  
24 relating to transfers of firearms **and unfinished frames or receivers** with  
25 the consent of a gun dealer in the course of a reasonable inquiry during a  
26 criminal investigation or under the authority of a properly authorized  
27 subpoena or search warrant.

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

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

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

2       “(b) The maintenance of a procedure to correct errors in the criminal re-  
3 cords of the department;

4       “(c) The provision of a security system to identify gun dealers that re-  
5 quest a criminal history record check under subsection (2) of this section;  
6 and

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

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

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

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

16       “(b) A gun dealer that requests a criminal background check under this  
17 subsection is immune from civil liability for any use of the firearm **or un-**  
18 **finished frame or receiver** by the recipient or transferee, provided that the  
19 gun dealer requests the criminal background check as described in this sec-  
20 tion and also provided that the dealer verifies that the recipient has a valid  
21 permit-to-purchase the firearm **or unfinished frame or receiver** and the  
22 dealer has received a unique approval number from the department indicat-  
23 ing successful completion of the background check.

24       “(14) Knowingly selling or delivering a firearm **or unfinished frame or**  
25 **receiver** to a purchaser or transferee who does not have a valid permit-to-  
26 purchase a firearm in violation of subsection (2)(d) of this section, or prior  
27 to receiving a unique approval number from the department based on the  
28 criminal background check in violation of subsection (3)(c) of this section,  
29 is a Class A misdemeanor.

30       “**SECTION 8.** Section 4 of this 2023 Act is amended to read:

1       “**Sec. 4.** [(1)(a)] **(1)** A person may not knowingly **possess**, offer for sale,  
2 sell or transfer a firearm unless the firearm has been imprinted with a serial  
3 number by a federally licensed firearm manufacturer, importer or dealer, or  
4 a gunsmith with a federal firearms license, in accordance with federal law.

5       “[(b) A person may not knowingly possess a firearm unless the firearm has  
6 been imprinted with a serial number by a federally licensed firearm manufac-  
7 turer, importer or dealer, or a gunsmith with a federal firearms license, in  
8 accordance with federal law.]

9       “(2) This section does not apply to:

10       “(a) Antique firearms;

11       “(b) Firearms manufactured prior to October 22, 1968;

12       “(c) Firearms rendered permanently inoperable;

13       “(d) The sale, offer to sell, or transfer of a firearm to, or possession of a  
14 firearm by, a person licensed as a firearm manufacturer, importer or dealer  
15 under 18 U.S.C. 923; or

16       “(e) A gunsmith taking possession of a firearm for the purpose of im-  
17 printing the firearm with a serial number in accordance with federal law.

18       “(3)(a) A violation of subsection [(1)(a)] **(1)** of this section constitutes a  
19 Class B violation.

20       “(b) Notwithstanding paragraph (a) of this subsection, a violation of sub-  
21 section [(1)(a)] **(1)** of this section is a Class A misdemeanor if, at the time  
22 of the offense, the person has a prior conviction under this section or section  
23 3 or 5 of this 2023 Act.

24       “(c) Notwithstanding paragraphs (a) and (b) of this subsection, a violation  
25 of subsection [(1)(a)] **(1)** of this section is a Class B felony if, at the time of  
26 the offense, the person has two or more prior convictions under this section  
27 or section 3 or 5 of this 2023 Act.

28       “[(d) A violation of subsection (1)(b) of this section occurring before Sep-  
29 tember 1, 2024, does not constitute an offense.]

30       “(4) A person convicted of any offense under this section shall forfeit the

1 firearm.

2 “(5) As used in this section, ‘prior conviction’ includes a conviction for  
3 a violation offense.

4 **“SECTION 9.** Section 5 of this 2023 Act is amended to read:

5 **“Sec. 5.** (1)(a) A person may not knowingly import into this state, offer  
6 for sale, sell or transfer an unfinished frame or receiver unless:

7 “(A) The person is licensed as a firearm dealer under 18 U.S.C. 923;

8 “(B) The name of the manufacturer and an individual serial number is  
9 conspicuously placed on the unfinished frame or receiver in accordance with  
10 the procedures for the serialization of a firearm in 18 U.S.C. 923(i) and all  
11 regulations under the authority of 18 U.S.C. 923(i), including but not limited  
12 to 27 C.F.R. 478.92; and

13 “(C) The person maintains records relating to the unfinished frame or  
14 receiver in accordance with the procedures for record keeping related to  
15 firearms in 18 U.S.C. 923(g) and all regulations issued under the authority  
16 of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to 478.134.

17 “(b)(A) A violation of paragraph (a) of this subsection is a Class B vio-  
18 lation.

19 “(B) Notwithstanding subparagraph (A) of this paragraph, a violation of  
20 paragraph (a) of this subsection is a Class A misdemeanor if, at the time of  
21 the offense, the person has a prior conviction under this section or section  
22 3 or 4 of this 2023 Act.

23 “(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a vi-  
24 olation of paragraph (a) of this subsection constitutes a Class B felony if,  
25 at the time of the offense, the person has two or more prior convictions un-  
26 der this section or section 3 or 4 of this 2023 Act.

27 “(2)(a) A person may not knowingly possess an unfinished frame or re-  
28 ceiver that is not serialized as provided in subsection (1)(a)(B) of this section,  
29 unless:

30 “(A) The person is a federally licensed gun manufacturer; and

1       “(B) The unfinished frame or receiver is an unfinished part within a  
2 manufacturing process that includes serialization.

3       “*[(b) A violation of paragraph (a) of this subsection occurring before Sep-*  
4 *tember 1, 2024, does not constitute an offense.]*”

5       “(b)(A) A violation of paragraph (a) of this subsection is a Class B  
6 violation.

7       “(B) Notwithstanding subparagraph (A) of this paragraph, a vio-  
8 lation of paragraph (a) of this subsection is a Class A misdemeanor if,  
9 at the time of the offense, the person has a prior conviction under this  
10 section or section 3 or 4 of this 2023 Act.

11       “(C) Notwithstanding subparagraphs (A) and (B) of this paragraph,  
12 a violation of paragraph (a) of this subsection is a Class C felony if,  
13 at the time of the offense, the person has two or more prior con-  
14 victions under this section or section 3 or 4 of this 2023 Act.

15       “(3) A person convicted of any offense under this section shall for-  
16 feit the unfinished frame or receiver.

17       “(4) As used in this section, ‘prior conviction’ includes a conviction  
18 for a violation offense.

19       “SECTION 10. (1) The amendments to section 4 of this 2023 Act by  
20 section 8 of this 2023 Act become operative on September 1, 2024.

21       “(2) The amendments to section 5 of this 2023 Act by section 9 of  
22 this 2023 Act become operative on September 1, 2024.

23       “SECTION 11. In addition to and not in lieu of any other appropri-  
24 ation, there is appropriated to the Department of State Police, for the  
25 biennium beginning July 1, 2023, out of the General Fund, the amount  
26 of \$356,816, for implementation of the provisions of this 2023 Act.

27       “SECTION 12. This 2023 Act being necessary for the immediate  
28 preservation of the public peace, health and safety, an emergency is  
29 declared to exist, and this 2023 Act takes effect on its passage.”.

30