

HB 3884 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/3, 4/7

WHAT THE MEASURE DOES:

The measure directs the Department of State Police (OSP) to study whether firearm hold agreements reduce firearm risks and to submit findings to the interim committees of the Legislative Assembly related to the judiciary by September 15, 2026. The measure sunsets on January 2, 2027.

ISSUES DISCUSSED:

- Voluntary firearm holds allowed under current law
- Liability protection
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EFFECT OF AMENDMENT:

-1 Replaces the measure.

The amendment defines 'Firearm hold agreement' as a voluntary, private transaction between a federal firearms licensee (FFL) and an individual firearm owner in which the FFL facilitates the use of secure storage space for a firearm, or a component of a firearm, at the request of the owner, holds the firearm or component for an agreed-upon period of time and returns the firearm or component to the owner according to the terms of the agreement. It provides that an FFL may enter into a firearm hold agreement with the owner of a firearm or firearm component. A person may not bring a cause of action against a federal firearms licensee for any act or omission of the licensee relating to a firearm hold agreement, including an action based on physical injury or death resulting from the return of a firearm to the lawful owner unless the person verbalizes or otherwise clearly demonstrates the intent to engage in the unlawful use of the firearm or to cause physical harm to self or others.

BACKGROUND:

Under current law, ORS 166.435 covers firearm transfers by unlicensed persons. A transfer means the delivery of a firearm from a transferor to a transferee, including, but not limited to, the sale, gift, loan or lease of the firearm. A transfer does not include the temporary provision of a firearm to a transferee if the transferor has no reason to believe the transferee is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and the provision occurs: for the purpose of preventing imminent death or serious physical injury, and the provision lasts only as long as is necessary to prevent the death or serious physical injury.