

## **HB 3076 -1, -2 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/20, 4/8

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#### **WHAT THE MEASURE DOES:**

The measure directs the Department of Justice to study the establishment of a state gun dealer licensing program, and to provide the results of the study to the appropriate interim committees of the Legislative Assembly no later than December 31, 2026. Sunsets on January 2, 2027.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-1 Replaces the measure.

##### **Section 1:**

- Provides definitions for relevant terms.

##### **Section 2:**

- Requires all dealers to be licensed by The Department of Justice (DOJ) beginning July 1, 2026 in accordance with measure.
- Requires DOJ to adopt rules consistent with eligibility requirements provided by measure and necessary for implementation of licensing directive.
- Authorizes DOJ to establish and collect a license application and renewal fee with certain limitations. Directs DOJ to publish application fees on its website.
- Provides fee schedule for licenses issued before July 1, 2026 based upon the average annual firearm sales of the dealer.

##### **Section 3:**

- Establishes eligibility requirements for a state firearms dealer license including that the person:
  - Has never had a permit or license revoked or denied within five years
  - Has not been convicted of violating federal or state law relating to possession or purchase of firearms
  - Provides proof of Oregon residence and place of business
- Allows 60 days for DOJ to determine applicant eligibility with allowable extension for good cause for up to an additional 60 days
- Licenses are valid for three years, are not transferable, and may be renewed within 90 days prior to expiration
- Allows for appeal of decision by an applicant if denied a state license

##### **Section 4:**

- Directs DOJ to conduct annual on-site inspections of each state license holder's business for compliance with requirements of measure

##### **Section 5:**

- Authorizes DOJ to impose civil penalties for unlawful transfers or failure to comply with provisions of measure, or certain state, federal or local laws
- Requires revocation of a state license in certain cases as described by the measure and prohibits issuance of a new state license for at least five years after revocation

## HB 3076 -1, -2 STAFF MEASURE SUMMARY

- Requires DOJ to notify the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) within 48 hours of a revocation becoming effective
- Requires all penalties recovered pursuant to this provision to be deposited into the Firearm Dealer License Fund established by the measure
- Allows licensee to appeal revocation of state license by DOJ

### Section 5a:

- Directs DOJ to develop or approve training courses for licensees and persons working with licensees.
- Provides minimum requirements for approved training courses
- Requires a licensee to complete an approved training course within 30 days of being issued a state license and persons working with licensees to complete a course within 30 days of their first day of work for the licensee and annually while working with licensee
- Requires licensee to submit a criminal history record check for individuals working with licensee to be completed within seven days prior to the person's first day of work
- Requires a person working with a licensee to submit for fingerprinting with a law enforcement agency or approved third party to be provided to the Department of State Police (OSP)
- Directs OSP to conduct a fingerprint based criminal history record check and return the results to DOJ to determine whether a person is qualified for employment with the licensee and notify the licensee of the results
- Requires a person working with licensee to submit to a fingerprint-based criminal history record check annually and for licensee to maintain records of each as described

### Section 6:

- Establishes minimum requirements for retailer licensee place of business relating to storage and security of firearms and ammunition located within or on the retailers premises
- Provides minimum security requirements for points of entry of retailers place of business and windows
- Requires a licensee's business premises to be monitored by video surveillance and establishes minimum security alarm and video and audio surveillance criteria for said systems
- Requires certain locations of business to monitored and visible by qualifying surveillance systems and digital recordings maintained of surveillance
- States who a licensee must provide access to surveillance system and recordings as well as who a licensee is prohibited from sharing access
- Establishes minimum general liability insurance policy requirements for licensees and authorizes a local governing body to increase minimum requirements set by provision
- Restricts the sale of firearms by a licensee except as described by provisions of measure
- Requires a licensee to maintain certain records of all acquisitions and dispositions and inventory at the licensee's place of business, for a time period, and in the manner described by the measure
- A licensee is required to post a sign meeting the minimum requirements described by the measure that states "Warning: If you or a loved one is experiencing distress or depression, call or text 988 to connect with the 988 Suicide and Crisis Lifeline" and to distribute a notice including the same information to each purchaser at the time of sale of every firearm

### Section 7:

- Directs a licensee to maintain certain information of all firearm trace requests and provide an annual report to the Attorney General as described by measure

### Section 8:

- Provides that a person who knowingly sells firearms without a valid state license commits a Class C felony

### Section 9:

## HB 3076 -1, -2 STAFF MEASURE SUMMARY

- Requires DOJ to submit a report to the Legislative Assembly, beginning January 15, 2027, that includes certain information relating to the number of state license applications and renewals received, granted, denied, and revoked; inspections conducted of licensees; warnings issued for violations of licensee requirements; costs related to inspections and licensing; and, race, gender and geographic location of applicants for state licenses
- Requires report to be publicly available within three months after submission to the Legislative Assembly

### Section 10:

- Establishes the Firearm Dealer License Fund for funds deposited as described by measure and directs interest earned by the fund to be credited and deposited in the fund for appropriation to DOJ for implementation of measure directives

### Section 11:

- Provides that a state license is required for all dealers to sell firearms, frames, receivers and unfinished frames and receivers after July 1, 2026
- Requires any person who works with a licensed firearm dealer and how, in the course of the person's duties, handles a firearm or ammunition or processes the sale or transfer of a firearm or ammunition to complete a training course as described in the measure no later than July 31, 2026.

### Section 12:

- Sets the operative date of the measure, July 1, 2026 and authorized DOJ to adopt rules as before the operative date as necessary to undertake and exercise all of the duties assigned by the measure

### Section 13:

- Declares an emergency, effective on passage

-2 Replaces the measure.

### Section 1:

- Provides definitions for relevant terms.

### Section 2:

- Requires all dealers to be licensed by The Department of Justice (DOJ) beginning January 1, 2027 in accordance with measure.
- Requires DOJ to adopt rules consistent with eligibility requirements provided by measure and necessary for implementation of licensing directive.
- Authorizes DOJ to establish and collect a license application and renewal fee with certain limitations. Directs DOJ to publish application fees on its website.
- Provides fee schedule for licenses issued before January 1, 2027 based upon the average annual firearm sales of the dealer.

### Section 3:

- Establishes eligibility requirements for a state firearms dealer license including that the person:
  - Has never had a permit or license revoked or denied within five years
  - Has not been convicted of violating federal or state law relating to possession or purchase of firearms
  - Provides proof of Oregon residence and place of business
- Allows 60 days for DOJ to determine applicant eligibility with allowable extension for good cause for up to an additional 60 days
- Licenses are valid for three years, are not transferable, and may be renewed within 90 days prior to expiration
- Allows for appeal of decision by an applicant if denied a state license

### Section 4:

## HB 3076 -1, -2 STAFF MEASURE SUMMARY

- Directs DOJ to conduct inspections at least once every three years of each state license holder's business for compliance with requirements of measure.

### Section 5:

- Authorizes DOJ to impose civil penalties for unlawful transfers or failure to comply with provisions of measure, or certain state, federal or local laws
- Requires revocation of a state license in certain cases as described by the measure and prohibits issuance of a new state license for at least five years after revocation
- Requires DOJ to notify the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) within 48 hours of a revocation becoming effective
- Requires all penalties recovered pursuant to this provision to be deposited into the Firearm Dealer License Fund established by the measure
- Allows licensee to appeal revocation of state license by DOJ

### Section 5a:

- Directs DOJ to develop or approve training courses for licensees and persons working with licensees if they will be handling firearms.
- Provides minimum requirements for approved training courses
- Requires a licensee to complete an approved training course within 30 days of being issued a state license and persons working with licensees to complete a course within 30 days of their first day of work for the licensee and annually while working with licensee
- Requires licensee to submit a criminal history record check for certain individuals working with licensee to be completed within seven days prior to the person's first day of work
- Requires a person working with a licensee to submit for fingerprinting with a law enforcement agency or approved third party to be provided to the Department of State Police (OSP)
- Directs OSP to conduct a fingerprint based criminal history record check and return the results to DOJ to determine whether a person is qualified for employment with the licensee and notify the licensee of the results
- Requires a person working with licensee to submit to a fingerprint-based criminal history record check annually and for licensee to maintain records of each as described

### Section 6:

- Establishes minimum requirements for retailer licensee place of business relating to storage and security of firearms and ammunition located within or on the retailers premises
- Provides minimum security requirements for points of entry of retailers place of business and windows
- Requires a licensee's business premises to be monitored by video surveillance and establishes minimum security alarm and video and audio surveillance criteria for said systems
- Requires certain locations of business to be monitored and visible by qualifying surveillance systems and digital recordings maintained of surveillance
- States who a licensee must provide access to surveillance system and recordings as well as who a licensee is prohibited from sharing access
- Establishes minimum general liability insurance policy requirements for licensees and authorizes a local governing body to increase minimum requirements set by provision
- Restricts the sale of firearms by a licensee except as described by provisions of measure
- Requires a licensee to maintain certain records of all acquisitions and dispositions and inventory at the licensee's place of business, for a time period, and in the manner described by the measure
- A licensee is required to post a sign meeting the minimum requirements described by the measure that states "Warning: If you or a loved one is experiencing distress or depression, call or text 988 to connect with the 988 Suicide and Crisis Lifeline" and to distribute a notice including the same information to each purchaser at the time of sale of every firearm

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**Section 8:**

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**Section 9:**

- Requires DOJ to submit a report to the Legislative Assembly, beginning January 15, 2027, that includes certain information relating to the number of state license applications and renewals received, granted, denied, and revoked; inspections conducted of licensees; warnings issued for violations of licensee requirements; costs related to inspections and licensing; and, race, gender and geographic location of applicants for state licenses
- Requires report to be publicly available within three months after submission to the Legislative Assembly

**Section 10:**

- Establishes the Firearm Dealer License Fund for funds deposited as described by measure and directs interest earned by the fund to be credited and deposited in the fund for appropriation to DOJ for implementation of measure directives

**Section 11:**

- Provides that a state license is required for all dealers to sell firearms, frames, receivers and unfinished frames and receivers after January 1, 2027
- Requires any person who works with a licensed firearm dealer and how, in the course of the person's duties, handles a firearm or ammunition or processes the sale or transfer of a firearm or ammunition to complete a training course as described in the measure no later than January 1, 2027.
- Exempts dealer that holds only a Type 02 Federal Firearms License and who submits a sufficiently completed application prior to October 15, 2027.

**Section 12:**

- Sets the operative date of the measure, January 1, 2027 and authorized DOJ to adopt rules as before the operative date as necessary to undertake and exercise all of the duties assigned by the measure

**Section 13:**

- Declares an emergency, effective on passage

**BACKGROUND:**

The introduced version of house bill 3076 includes placeholder language intended to be replaced by a substantive amendment.