

## HB 3075 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 04/08/25

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 5-3-0-0

**Yeas:** 5 - Andersen, Chaichi, Chotzen, Kropf, Tran

**Nays:** 3 - Lewis, Mannix, Wallan

**Fiscal:** Fiscal impact issued

**Revenue:** Has minimal revenue impact

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

**Meeting Dates:** 3/17, 4/8

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### WHAT THE MEASURE DOES:

The measure makes technical and substantive changes to Oregon statutes relating the implementation of Ballot Measure 114 (2022). The measure declares an emergency and is effective on passage.

#### Detailed Summary

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

Repeals sections one and 10 of Oregon Laws 2023, chapter one, codifying Ballot Measure (BM) 114.

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

Removes finding and declaration and retains provision naming Chapter 1, Oregon Laws 2023, the Reduction of Gun Violence Act.

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

Updates statutory references.

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

Amends provisions related to terms used and qualifications and applications for permits to purchase or acquire firearms.

- Changes “permit-to-purchase” to “permit to purchase or otherwise acquire” and amends where a person may apply for a permit to purchase or otherwise acquire a firearm.
- Provides that a person is qualified to be issued a permit to purchase if the person is not prohibited from possessing a firearm under state or federal law and has not been convicted or found guilty except for insanity of a misdemeanor involving violence within the previous four years.
- Requires the results of a criminal background check submitted by a permit agent to indicate that an applicant is qualified or disqualified to purchase or acquire a firearm and the reason for the disqualification.
- Deems an application disqualified in the event of missing or incomplete records and allows an applicant to submit supporting documentation to complete the records.

Makes clarifications and changes to reporting, records, and data retention for firearms permits.

- Directs permit agents to enter the name of a permit holder into the Law Enforcement Data System.
- Exempts records obtained during the application process from disclosure as a public record.
- Beginning in 2027, requires the Oregon Department of State Police (OSP) to publish an annual report indicating the number of permit applications made per county to include racial and gender information within the total number of permits granted and denied and the reasons for denial.

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Increases maximum allowable fees for firearms permits and renewals.

- Increases the maximum fee a permit agent may charge from \$65 to \$150 per applicant and limits the amount that may be paid to the Oregon State Police for conducting the background checks to \$48.
- Increases the fee a permit agent may charge for renewal of the permit from \$50 to \$110.

Alters provisions relating to firearm safety course requirements.

- Amends components necessary for satisfying requirement of “proof of completion of a firearm safety course.”
- Defines “instructor approved by a law enforcement agency.”
- Provides that a law enforcement agency is not civilly liable for the actions or inactions of a trainer if the law enforcement agency acted in good faith in approving the trainer.

### **Section 5:**

Provides that no civil or criminal liability shall attach to a permit agent or OSP for issuance or denial of an application for a firearm permit.

### **Sections 6-10:**

Modifies procedures for transfer occurring on or after July 1, 2026, to require purchasers to have and for gun dealers to verify that a purchaser has a valid permit.

Creates a Class A misdemeanor for transfers occurring on or after July 1, 2026, knowingly made to a transferee who does not have a valid permit to purchase a firearm or prior to receiving a unique approval number as required.

### **Sections 11 & 11a:**

Modifies the crime of *unlawful manufacture, importation, possession, use, purchase, sale or otherwise transferring of large-capacity magazines*, a Class A misdemeanor.

- Establishes an affirmative defense to unlawful possession, use, or transfer of a large-capacity magazine that a person has permanently and voluntarily relinquished the magazine as provided prior to the commencement of prosecution for the charge.
- Defines law enforcement agency, parole and probation officer, peace officer, and retired peace officer.
- Exempts peace officers, parole and probation officers, and retired peace officers from the prohibited conduct otherwise constituting the crime of unlawful possession of a large-capacity magazine.
- Exempts law enforcement agencies from prohibitions on importations and transfers of large-capacity magazines by the agency for official use.
- Repeals provisions that related exclusively to the first 180 days following December 8, 2022.

Limits enforcement of large-capacity magazine ban in relation to court injunctions.

- Prohibits the prosecution for certain crimes related to unlawful manufacturing or possession that occur while enforcement of ORS 166.355 is enjoined by a court.
- Prohibits prosecution within 180 days of a decision to overturn or vacate said injunction for certain transfers or purchases made by licensed gun dealers and manufacturers as specified by the measure.

### **Section 12:**

Permits OSP to retain certain permit holder information obtained during a criminal background check for a firearm purchase for no more than five years and authorizes OSP to establish a system for removal of information upon sale or transfer of the firearm to another permit holder.

### **Section 13-15:**

Updates statutory references and conforms language.

### **Section 16:**

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Provides that sections 12 to 15 of the measure become operative on July 1, 2026, and apply to firearm transfers occurring on or after July 1, 2026.

### **Section 17:**

Updates statutory references.

### **Section 18:**

Establishes venue for legal challenges to this act as the Circuit Court for Marion County.

### **Section 20:**

Declares an emergency, effective on passage.

### **ISSUES DISCUSSED:**

- Technical and procedural fixes to Ballot Measure 114 (2022) as codified after passage
- Fee increases for permit applications and finger printing
- Differences between amendments
- Delay of effective dates of certain provisions

### **EFFECT OF AMENDMENT:**

Replaces section four and subsequent sections of the measure.

### **BACKGROUND:**

In November 2022, Oregon voters passed Ballot Measure (BM) 114, which required anyone purchasing a firearm to take a firearm safety training course and obtain a permit. It also banned large capacity magazines holding more than ten rounds and closed the "Charleston loophole," which allowed firearm transfers to go forward if the background check had not been completed after three days. In December 2022, Judge Immergut in the Oregon U.S. District Court denied a request by the Oregon Firearms Federation and other plaintiffs to temporarily prevent implementation of the large capacity magazine restrictions in BM 114. Judge Immergut ruled that BM 114 could take effect pending further arguments but allowed the state to postpone the implementation of the permit requirement until the systems needed to administer it were in place.

House Bill 3075 A amends Oregon statutes necessary to implement the procedural requirements for obtaining a permit to purchase a firearm as outlined by Ballot Measure 114.