

## HOUSE AMENDMENTS TO HOUSE BILL 3076

By COMMITTEE ON JUDICIARY

April 15

1 In line 2 of the printed bill, after “licenses” insert “; creating new provisions; amending ORS  
2 166.433, 166.436, 166.438 and 166.441; and declaring an emergency”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1. As used in sections 1 to 9 of this 2025 Act:**

5 **“(1)(a) ‘Dealer’ means a person or business engaged in the wholesale or retail business  
6 of selling firearms, frames, receivers or unfinished frames or receivers, and who has, or who  
7 is required under federal law to have, a federal firearms license under 18 U.S.C. 923(a).**

8 **“(b) ‘Dealer’ does not include a person or business that sells, on average, 10 or fewer  
9 firearms, frames, receivers or unfinished frames or receivers, within any 12-month period  
10 that the person or business has engaged in such sales.**

11 **“(2) ‘Department’ means the Department of Justice.**

12 **“(3) ‘Federal firearms license’ means a license to import, manufacture or deal in firearms  
13 issued pursuant to 18 U.S.C. 923.**

14 **“(4) ‘Firearm’ has the meaning given that term in ORS 166.210.**

15 **“(5) ‘Frame’ has the meaning given that term in ORS 166.210.**

16 **“(6) ‘Receiver’ has the meaning given that term in ORS 166.210.**

17 **“(7) ‘Retailer’ means a dealer who operates a store open to the public from which the  
18 dealer engages in the business of selling, transferring or facilitating the sale or transfer of  
19 firearms.**

20 **“(8) ‘State license’ means the state firearms dealer license issued under sections 2 and  
21 3 of this 2025 Act.**

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

23 **“SECTION 2. (1) Beginning January 1, 2027, a state license is required for all dealers to  
24 sell firearms, frames, receivers and unfinished frames and receivers in this state.**

25 **“(2) The Department of Justice shall issue state firearms dealer licenses in accordance  
26 with this section and section 3 of this 2025 Act.**

27 **“(3)(a) The department shall adopt rules necessary for the implementation of this section  
28 and section 3 of this 2025 Act, including rules establishing the process for applying for and  
29 obtaining a state license.**

30 **“(b) The department may not adopt a rule that modifies the eligibility criteria for ob-  
31 taining a state license under this section and section 3 of this 2025 Act, but the rules may  
32 authorize the collection of any information the department deems necessary to verify an  
33 applicant’s eligibility.**

34 **“(4) The department shall develop an application form for initial state license applications  
35 and state license renewals.**

1       “(5)(a) The department is authorized to establish and collect a state license application  
2 fee, based on the department’s actual costs, to reasonably reimburse the department for the  
3 costs of carrying out the provisions of sections 1 to 9 of this 2025 Act.

4       “(b) The department may establish a reduced fee for state license renewal applications.

5       “(c) The department shall deposit all fees collected under this section into the Firearm  
6 Dealer License Fund established by section 10 of this 2025 Act.

7       “(6)(a) For state licenses issued before January 1, 2027, the fee for the initial issuance  
8 of the license shall be based upon the average annual firearm sales of the dealer during the  
9 prior three years as described in paragraph (b) of this subsection. If the dealer has not been  
10 in business for three years, the fee shall be the amount described in paragraph (b) of this  
11 subsection based upon the average annual firearm sales over the time the dealer has been  
12 in business. If the dealer has not previously sold firearms prior to the application, the fee  
13 shall be \$500, or the amount described in paragraph (b) of this subsection based on the  
14 dealer’s good faith estimate of projected sales, whichever amount is smaller.

15       “(b) The fee based on actual or projected sales is as follows:

16       “(A) \$50 for the sale of 11 to 50 firearms per year.

17       “(B) \$250 for the sale of 51 to 250 firearms per year.

18       “(C) \$500 for the sale of 251 to 750 firearms per year.

19       “(D) \$1,000 for the sale of 751 to 1,000 firearms per year.

20       “(E) \$1,500 for the sale of 1,001 or more firearms per year.

21       “(c) The department shall annually review the fees described in this subsection and, for  
22 licenses issued or renewed on and after January 1, 2027, may annually adjust the fee based  
23 on the costs of carrying out the provisions of sections 1 to 9 of this 2025 Act. The department  
24 may not adjust any fee more than once per year and may not increase any fee by more than  
25 20 percent per year.

26       “(d) The department shall ensure that the current fees for the initial issuance and re-  
27 newal of state licenses are published on the department’s website.

28       “SECTION 3. (1) A person is eligible for a state firearms dealer license if the person:

29       “(a) Currently holds and is eligible for a valid federal firearms license;

30       “(b) Has never had a permit or license to sell, lease, transfer, purchase or possess a  
31 firearm or ammunition from the federal government, any state or any subdivision of a state,  
32 or an application for such a permit or license, revoked, suspended or denied for good cause  
33 within the five years prior to submitting an application for a state license;

34       “(c) Has not been convicted of violating any federal or state law concerning the pos-  
35 session, purchase or sale of firearms within the 10 years prior to submitting an application;  
36 and

37       “(d) Provides proof of residence in Oregon and the physical address of the place where  
38 business will be conducted.

39       “(2) A person applying for or renewing a state license under this section shall complete  
40 a Department of Justice application and pay the fee established by the department under  
41 section 2 of this 2025 Act.

42       “(3)(a) The department shall make a determination on a state license application within  
43 60 days after the application is received.

44       “(b) Notwithstanding paragraph (a) of this subsection, the department may for good  
45 cause extend the determination time period by an additional 60 days.

1           “(4) The department shall issue a state license to an applicant unless the applicant does  
2 not meet the eligibility requirements described in subsection (1) of this section or the appli-  
3 cant makes a false statement on the application.

4           “(5) A state license issued under this section is valid for three years and is not  
5 transferable.

6           “(6)(a) A licensee may apply for renewal of a state license at any time within the 90 days  
7 prior to expiration of the state license. The department may not accept a renewal application  
8 after the state license has expired.

9           “(b) The department shall notify a licensee of the state license expiration date 90 days  
10 prior to the expiration.

11           “(c) Notwithstanding section 2 (1) of this 2025 Act, a licensee who submits a timely and  
12 sufficiently complete renewal application may continue to engage in the business of dealing  
13 in firearms until the department has made a determination on the renewal application. For  
14 purposes of this paragraph, an application is sufficiently completed if the application includes  
15 all information necessary to make a determination that the applicant is eligible for state li-  
16 cense renewal and the licensee has not made any false statements on the application.

17           “(d) The department shall make a determination on a state license renewal application  
18 within 60 days after the renewal application is received.

19           “(7) The decision by the department to refuse to issue or renew a state license under this  
20 section may be appealed as a contested case under ORS chapter 183.

21           “SECTION 4. (1) The Department of Justice shall conduct on-site inspections, in accord-  
22 ance with this section, of each state license holder’s place of business to ensure that the  
23 licensee is complying with the requirements to hold a state license described in sections 5a  
24 and 6 of this 2025 Act and rules adopted pursuant to sections 5a and 6 of this 2025 Act.

25           “(2)(a) The department may conduct reasonable periodic unannounced inspections of a  
26 retailer licensee’s place of business during the retailer licensee’s regular business hours.

27           “(b) The department may conduct inspections of licensees other than retailer licensees  
28 after providing at least 24 hours’ notice.

29           “(3)(a) The department shall adopt rules concerning the notice requirements and the  
30 scope of inspections conducted under this section.

31           “(b) The department shall adopt rules concerning the frequency of inspections conducted  
32 under this section. The rules must require that each licensee be inspected at least once every  
33 three years.

34           “SECTION 5. (1) Except as provided in subsection (2) of this section, if the Department  
35 of Justice determines that a licensee transferred a firearm in violation of ORS 166.400, failed  
36 to comply with any of the requirements of section 5a or 6 of this 2025 Act or rules adopted  
37 pursuant to section 5a or 6 of this 2025 Act, or violated any other state, federal or local law  
38 for which the penalty includes revocation of the licensee’s federal firearm license, the de-  
39 partment may:

40           “(a) For a first offense, issue a warning to the licensee that includes a description of the  
41 offense and the penalty for subsequent offenses, or impose a civil penalty of up to \$1,000 per  
42 violation.

43           “(b) For a second or subsequent offense, suspend or revoke the licensee’s state license,  
44 issue a warning or impose a civil penalty of up to \$5,000 per violation.

45           “(2)(a) The department shall revoke a state license if the licensee:

1       **“(A) No longer holds a valid federal firearms license;**  
2       **“(B) Knowingly employs a person in violation of section 5a of this 2025 Act;**  
3       **“(C) Is prohibited from possessing or purchasing firearms under federal or state law;**  
4       **“(D) Is no longer a resident of this state; or**  
5       **“(E) Is convicted of any of the following:**  
6       **“(i) A felony under state or federal law;**  
7       **“(ii) A state or federal crime that results in the licensee being prohibited from purchas-**  
8 **ing or possessing a firearm or ammunition;**  
9       **“(iii) A crime containing as an element purchasing or otherwise obtaining a firearm on**  
10 **behalf of, or for transfer to, a person who cannot lawfully purchase or possess a firearm;**  
11       **“(iv) A conviction under ORS 166.412 (14) or 166.418;**  
12       **“(v) Providing false information in connection with a transfer of a firearm under ORS**  
13 **166.416; or**  
14       **“(vi) Trafficking in firearms under 18 U.S.C. 933.**  
15       **“(b) A dealer whose state license is revoked solely because the dealer no longer holds a**  
16 **valid federal firearms license under paragraph (a)(A) of this subsection may apply for a new**  
17 **state license any time after the person obtains a valid federal firearms license.**  
18       **“(c) A licensee whose state license is revoked under paragraph (a)(B) to (E) of this sub-**  
19 **section may apply for a new state license no sooner than five years after the revocation.**  
20       **“(3) The department may revoke a state license if the licensee unreasonably refuses to**  
21 **allow the department to conduct an on-site inspection pursuant to section 4 of this 2025 Act.**  
22       **“(4)(a) If the department determines that a licensee violated state or federal law related**  
23 **to the possession, sale or purchase of firearms, the department:**  
24       **“(A) For a first offense, shall issue a warning to the licensee that includes a description**  
25 **of the violation.**  
26       **“(B) For a second or subsequent offense, may revoke the licensee’s state license.**  
27       **“(b) A licensee whose state license is revoked under this subsection may apply for a new**  
28 **state license no sooner than three years after the revocation.**  
29       **“(5)(a) Unless the department determines that revocation is appropriate for a specific**  
30 **violation, when a licensee has engaged in conduct for which revocation of the licensee’s state**  
31 **license is authorized under this section, the licensee shall be provided notice of the violation**  
32 **and information concerning how to remedy the violation, and given the opportunity to rem-**  
33 **edy the violation and submit proof of the remedy to the department within 90 days of re-**  
34 **ceiving the notice.**  
35       **“(b) The failure to remedy a violation as described in this subsection constitutes inde-**  
36 **pendent grounds for the department to revoke the licensee’s state license.**  
37       **“(6) If the department revokes a state license under this section, the department shall**  
38 **notify the Bureau of Alcohol, Tobacco, Firearms and Explosives of the revocation within 48**  
39 **hours of the revocation becoming effective. The notification shall occur by both phone call**  
40 **and a subsequent letter documenting the reason for the revocation and describing what**  
41 **action will be taken concerning the licensee’s inventory and records.**  
42       **“(7)(a) Civil penalties under subsection (1) of this section shall be imposed in the manner**  
43 **provided by ORS 183.745.**  
44       **“(b) All penalties recovered under subsection (1) of this section shall be deposited into**  
45 **the Firearm Dealer License Fund established under section 10 of this 2025 Act.**

1       “(8) A decision by the department to revoke or suspend a state license under this section  
2 may be appealed as a contested case under ORS chapter 183.

3       “(9) The department shall adopt rules concerning the specific violations and correspond-  
4 ing penalties described in this section.

5       “SECTION 5a. (1)(a) The Department of Justice shall develop a training course, or ap-  
6 prove training courses provided by other entities, for licensees and persons who are em-  
7 ployed by, volunteer for or contract with licensees who will handle or engage in the sale or  
8 other transfer of firearms as part of the person’s official duties. The training must be  
9 available in an online format. The department shall adopt rules concerning the format of the  
10 training, the testing administered upon completion of the training, the passing score for the  
11 testing and the format of the proof of completion of the training.

12       “(b) The training described in this subsection must include instruction on the following  
13 subjects:

14       “(A) Federal and state laws governing the sale and transfer of firearms and ammunition;

15       “(B) Recognizing and identifying straw purchasers, firearm trafficking and fraudulent  
16 activity;

17       “(C) Recognizing and identifying indicators that a person is attempting to purchase a  
18 firearm unlawfully;

19       “(D) Recognizing and identifying indicators that an individual intends to use a firearm for  
20 unlawful purposes or self-harm;

21       “(E) Preventing theft or burglary of firearms and ammunition;

22       “(F) Responding to circumstances described in subparagraphs (A) to (E) of this para-  
23 graph, and any applicable reporting requirements; and

24       “(G) Any other reasonable business practices that the department determines will deter  
25 firearm trafficking or the unlawful use of firearms.

26       “(c) A licensee shall, within 30 days after the date of being issued a state license under  
27 sections 2 and 3 of this 2025 Act, complete the training course described in paragraph (a) of  
28 this subsection, and annually thereafter so long as the licensee holds the state license.

29       “(d) An employee, volunteer or contractor of a licensee who, in the course of the person’s  
30 duties, handles a firearm or processes the sale, loan or other transfer of a firearm shall,  
31 within 30 days after the first day of work for the licensee, or within 30 days after the licensee  
32 is issued a state license, complete the training course described in paragraph (a) of this  
33 subsection.

34       “(e) An employee, volunteer or contractor of a licensee required to complete an initial  
35 training course under this subsection is also required to annually thereafter complete the  
36 training course while employed by, volunteering for or contracting with the licensee.

37       “(f) A licensee shall maintain the training records of the licensee and each employee,  
38 volunteer or contractor of the licensee who handles or engages in the sale or other transfer  
39 of firearms as part of the person’s official duties, and shall make the records available to the  
40 department during an on-site inspection of the licensee’s place of business conducted pursu-  
41 ant to section 4 of this 2025 Act.

42       “(2)(a) For an employee, volunteer or contract position that, in the course of the person’s  
43 duties, involves handling or engaging in the sale or other transfer of firearms, a licensee  
44 may not allow a person to occupy the position who:

45       “(A) Is prohibited from possessing or purchasing firearms under state or federal law;

1           **“(B) Has been convicted of an offense described in ORS 166.250 or 166.470 (1), or a violent**  
2 **felony as defined in ORS 147.500, within five years prior to the date the person applies to**  
3 **work for the licensee; or**

4           **“(C) Has had the person’s own state license or federal firearms license revoked within**  
5 **the previous 10 years.**

6           **“(b) In order to determine whether a licensee may allow a person to be employed or work**  
7 **as a volunteer or contractor in a capacity in which the person will handle or engage in the**  
8 **sale or other transfer of firearms consistent with this subsection, the licensee shall require**  
9 **the person to submit to a criminal history record check as described in subsection (3) of this**  
10 **section. A licensee shall only accept the results of a criminal history record check completed**  
11 **within seven days prior to the person’s first day of work.**

12           **“(3)(a) Before a person begins employment for, volunteers for or contracts with a**  
13 **licensee in a capacity in which the person will handle or engage in the sale or transfer of**  
14 **firearms, the person shall submit to a fingerprint-based criminal history record check.**

15           **“(b) The person shall have the person’s fingerprints taken by a local law enforcement**  
16 **agency or any third party approved by the Department of State Police for the purpose of**  
17 **obtaining a fingerprint-based criminal history record check. The person shall authorize the**  
18 **entity taking the fingerprints to submit, and the entity shall submit, the complete set of**  
19 **fingerprints to the Department of State Police.**

20           **“(c) If an approved third party obtains the fingerprints, the fingerprints may be elec-**  
21 **tronically captured using equipment approved by the Department of State Police.**

22           **“(d) The Department of State Police shall first use the person’s fingerprints to conduct**  
23 **a criminal history record check using the records of the Department of State Police. If au-**  
24 **thorized by federal law, the Department of State Police shall then forward the fingerprints**  
25 **to the Federal Bureau of Investigation for the purpose of conducting a fingerprint-based**  
26 **criminal history record check. The Department of State Police, the Department of Justice,**  
27 **the person and the entity that obtained the fingerprints shall comply with the Federal Bu-**  
28 **reau of Investigation’s requirements to conduct a criminal history record check.**

29           **“(e) The Department of State Police shall return the results of the criminal history re-**  
30 **cord check to the Department of Justice, and the Department of Justice is authorized to**  
31 **receive the results of the Federal Bureau of Investigation’s criminal history record check.**  
32 **The department shall use the information resulting from the criminal history record check**  
33 **to determine whether a person is qualified for employment under this subsection, and shall**  
34 **notify the licensee of the results of the investigation within a reasonable amount of time.**

35           **“(f) If the Federal Bureau of Investigation is unable to complete a fingerprint-based**  
36 **criminal history record check of a person, the Department of State Police shall inform the**  
37 **Department of Justice, and the Department of State Police may use the criminal history**  
38 **record check of the person conducted using the records of the Department of State Police**  
39 **as a substitute.**

40           **“(g) If the results of a criminal history record check performed under this subsection**  
41 **reveal a record of arrest without a disposition, the Department of Justice shall require the**  
42 **person to submit to a name-based judicial record check.**

43           **“(h) An employee, volunteer or contractor of a licensee who handles or engages in the**  
44 **sale or other transfer of firearms as part of the person’s official duties shall annually submit**  
45 **to a fingerprint-based criminal history record check as described in this subsection.**

1       “(i) A licensee shall maintain a copy of the notice following each criminal history record  
2 check conducted under this subsection indicating that a person is qualified for employment,  
3 volunteering or contracting. The licensee shall maintain a copy of the notice for the duration  
4 of the person’s employment, or during the time period that the person volunteers for or  
5 contracts with the licensee, and shall make the notice available to the department during  
6 an on-site inspection of the licensee’s place of business.

7       “(4) If a licensee knows or has reason to believe an employee, volunteer or contractor is  
8 involved in the theft of a firearm from the licensee’s place of business, the licensee shall  
9 report the theft within 48 hours after having knowledge of the theft, or reason to believe a  
10 theft occurred, to a law enforcement agency with jurisdiction over the licensee’s place of  
11 business.

12       “(5) The department may adopt rules necessary to carry out the provisions of this sec-  
13 tion.

14       “**SECTION 6.** (1)(a) The Department of Justice shall adopt rules for the secure storage  
15 of firearms and ammunition by retailer licensees and other licensees in a manner that pre-  
16 vents unauthorized access. The rules must include but are not limited to:

17           “(A) Provisions concerning the locations where firearms may be stored;

18           “(B) Provisions concerning how firearms must be stored, including specifications for se-  
19 cure rooms, safes, locking devices and physical barriers; and

20           “(C) Specifications for securing buildings, doors and windows of the licensee’s place of  
21 business to prevent unauthorized entry.

22       “(b) The department shall consider industry standards and best practices when adopting  
23 rules described in this subsection.

24       “(2) A licensee may not conduct business or store firearms or ammunition at the  
25 licensee’s place of business unless the licensee securely stores firearms and ammunition in  
26 accordance with the rules described in subsection (1) of this section.

27       “(3)(a) A licensee may not sell or store firearms at the licensee’s place of business, or  
28 any place that firearms are sold or otherwise transferred, unless the location is equipped  
29 with a security alarm system.

30       “(b) The department shall adopt rules concerning the specifications for alarm systems  
31 described in this subsection.

32       “(c) It is not a violation of this subsection if the alarm system becomes temporarily in-  
33 operable through no fault of the licensee, provided that the licensee takes reasonable steps  
34 to ensure that the alarm system becomes operable within 30 days of having notice of the  
35 inoperability.

36       “(4)(a) A licensee shall ensure that the licensee’s business premises, or any place that  
37 firearms are sold or otherwise transferred, is monitored by a digital video surveillance sys-  
38 tem as described in this subsection.

39       “(b) A retailer licensee or a licensee who sells more than 50 firearms per year shall en-  
40 sure that the video surveillance system is capable of operating 24 hours a day, either re-  
41 cording continuously or upon motion activation. A licensee other than a retailer who sells  
42 50 or fewer firearms per year shall ensure that the video surveillance system records a  
43 customer at any time that the customer is on the premises.

44       “(c) The video surveillance system must operate in a manner that deters theft and that  
45 enables the system to record:

1       **“(A) Individuals involved in firearms transactions;**  
2       **“(B) All areas where firearms are handled or transferred; and**  
3       **“(C) The entrance or access area to any firearm storage location.**  
4       **“(d) The department shall adopt rules concerning the specifications for video surveillance**  
5 **systems described in this subsection. The rules must contain specifications concerning the**  
6 **lighting of recorded locations, the type of video and audio recordings required, locations that**  
7 **must be surveilled, reporting to law enforcement agencies, public notice requirements and**  
8 **verification of surveillance compliance.**  
9       **“(e) It is not a violation of this subsection if the video surveillance system becomes**  
10 **temporarily inoperable through no fault of the licensee, provided that the licensee takes**  
11 **reasonable steps to ensure that the system becomes operable within 30 days of having notice**  
12 **of the inoperability.**  
13       **“(f) Video surveillance system recordings must be maintained for a minimum of three**  
14 **years.**  
15       **“(g) A licensee may not use, share, allow access or otherwise release video surveillance**  
16 **system recordings to any person except as follows:**  
17       **“(A) A licensee shall allow access to the surveillance system to an agent of the depart-**  
18 **ment conducting an inspection of the licensee’s premises, for the purpose of inspecting the**  
19 **system for compliance with this subsection under circumstances in which a search warrant**  
20 **or court order is not required.**  
21       **“(B) A licensee shall allow access to the surveillance system pursuant to a search war-**  
22 **rant or other court order.**  
23       **“(C) A licensee may allow access to the surveillance system or may release recordings**  
24 **to any person in response to an insurance claim or as part of the civil discovery process,**  
25 **including but not limited to in response to a subpoena, a request for production or inspection**  
26 **or other court order.**  
27       **“(5)(a) A licensee shall carry a general liability insurance policy providing at least \$1**  
28 **million of coverage per incident.**  
29       **“(b) This subsection does not preclude any local authority or local governing body from**  
30 **enacting or enforcing a more stringent requirement regarding the maintenance of liability**  
31 **insurance.**  
32       **“(6) A licensee may not sell or transfer a firearm:**  
33       **“(a) Outside of the licensee’s posted business hours, except that a licensee may sell or**  
34 **transfer a firearm at a gun show as defined in ORS 166.432 outside of the licensee’s posted**  
35 **business hours.**  
36       **“(b) To a person the licensee knows or has reason to believe is under the influence of**  
37 **alcohol or a controlled substance as defined in ORS 475.005.**  
38       **“(7)(a) A licensee may temporarily conduct business at a location other than the place**  
39 **of business designated in the license if the temporary location is within Oregon and is the**  
40 **location of a gun show as defined in ORS 166.432. Nothing in this paragraph authorizes a**  
41 **licensee to conduct business in or from a motorized or towed vehicle.**  
42       **“(b) When temporarily conducting business under this subsection, the licensee shall**  
43 **comply with all other requirements imposed on licensees by this section. The failure of a**  
44 **licensee to comply with the other requirements of this section while conducting business at**  
45 **a temporary location may result in the licensee’s state license being revoked.**



1       “(8)(a) A licensee shall establish and maintain a record book or an electronic record of  
2 all acquisitions and dispositions, inventory and other records at the licensee’s place of busi-  
3 ness, in such form and for such a period of time as the department shall require by rule.  
4 The licensee shall submit copies of the records to the department on a schedule established  
5 by the department by rule. The records must at a minimum include the following:

6       “(A) The make, model, caliber or gauge, manufacturer’s name and serial number of all  
7 firearms that are acquired or disposed of, recorded no later than one business day after the  
8 acquisition or disposal.

9       “(B) A monthly inventory of firearms acquired but not yet disposed of.

10       “(C) Firearm disposition information, including the serial numbers of firearms sold, dates  
11 of sale, the identity of purchasers and details of the permit to purchase issued under ORS  
12 166.505.

13       “(D) Criminal firearm traces initiated by the Bureau of Alcohol, Tobacco, Firearms and  
14 Explosives.

15       “(b) If the records described in paragraph (a)(A) of this subsection:

16       “(A) Are kept in a record book, the licensee shall maintain a monthly backup of the re-  
17 cords in a secure container designed to prevent loss by fire, theft or flood.

18       “(B) Are kept electronically, the licensee shall back up the records on an external server  
19 or over the Internet at the close of each business day.

20       “(c) A licensee shall maintain the records described in paragraph (a)(B) of this subsection  
21 in a secure location.

22       “(d) A licensee shall maintain the records described in paragraph (a)(C) of this subsection  
23 and, unless otherwise provided by law, make the records available at any time to a law  
24 enforcement agency and to the manufacturer of the firearm or the manufacturer’s designee.

25       “(e) A licensee shall retain all ATF Form 4437 transaction records in the licensee’s place  
26 of business in a secure container designed to prevent loss by fire, theft or flood.

27       “(f) Notwithstanding paragraph (a) of this subsection, a licensee operating a retail lo-  
28 cation that sells more than 10 firearms per year must implement an electronic record-  
29 keeping system to keep track of changing inventory that updates the make, model, caliber  
30 or gauge and serial number of each firearm received or sold by the licensee. Each retail sale  
31 or purchase must be recorded in the electronic system within 24 hours of the transaction.  
32 A shipment of firearms from a manufacturer or wholesaler must be recorded in the elec-  
33 tronic system no later than five business days after the shipment is received or within 24  
34 hours after the firearms are entered into inventory, whichever occurs first. The licensee  
35 shall maintain the electronic records described in this paragraph for at least the time period  
36 required by 27 C.F.R. 478.129 or any successor federal law regulating the retention of records.

37       “(9) The department shall adopt rules concerning licensee requirements for suicide risk  
38 education outreach, which may include but are not limited to requirements to display signs  
39 at the licensee’s place of business or offer pamphlets to firearm purchasers.

40       “(10) The department may adopt rules necessary to carry out any provision of this sec-  
41 tion.

42       “SECTION 7. (1) A licensee shall:

43       “(a) Maintain for six years copies of all firearm trace requests received, including no-  
44 tations for trace requests received by phone.

45       “(b) Provide an annual report to the Attorney General concerning trace requests that

1 includes at a minimum the following information:

2 “(A) The total number of trace requests received;

3 “(B) For each trace request, the make and model of the firearm and date of sale; and

4 “(C) Whether the licensee was inspected by the Bureau of Alcohol, Tobacco, Firearms  
5 and Explosives, and copies of any reports of violation notifications or letters received from  
6 the bureau.

7 “(2) Beginning no later than January 15, 2027, and annually thereafter, the Attorney  
8 General shall publish a report in a manner available to the public outlining the information  
9 provided under this section.

10 “**SECTION 8.** (1) A person who is a dealer and who knowingly sells firearms without a  
11 valid state license issued under sections 2 and 3 of this 2025 Act commits a Class C felony.

12 “(2) Any firearm transferred or possessed in violation of this section is an  
13 instrumentality of the crime and subject to forfeiture under ORS chapter 131A.

14 “**SECTION 9.** (1) Beginning no later than January 15, 2027, and annually thereafter, the  
15 Department of Justice shall submit a report to the Legislative Assembly, in the manner  
16 provided in ORS 192.245, concerning firearm dealer licensing under sections 1 to 9 of this 2025  
17 Act within the prior fiscal year. The report must include, at a minimum:

18 “(a) The number of state license applications received, including renewal applications and  
19 the number of state licenses granted, renewed and denied;

20 “(b) The number of state licenses revoked and the reason for each revocation;

21 “(c) The number of licensee inspections conducted;

22 “(d) The number of warnings issued to licensees for violating the requirements of  
23 sections 1 to 9 of this 2025 Act and the basis for each warning;

24 “(e) The amount of fees collected and deposited into the Firearm Dealer License Fund  
25 established under section 10 of this 2025 Act and the amount expended from the fund; and

26 “(f) The total amount spent by the department on licensing costs and inspection costs.

27 “(2) The report described in this section may include information about the race, gender  
28 and geographic location of persons who applied for a state license, including whether the  
29 application was granted or denied, and persons whose state licenses were revoked.

30 “(3) The report described in this section shall be made available to the public no later  
31 than three months after submission to the Legislative Assembly.

32 “**SECTION 10.** The Firearm Dealer License Fund is created, separate and distinct from  
33 the General Fund. The Firearm Dealer License Fund consists of moneys deposited into the  
34 fund under sections 2 and 5 of this 2025 Act and any other moneys that the Legislative As-  
35 sembly may appropriate or transfer to the fund. Interest earned by the fund shall be cred-  
36 ited to and deposited in the fund. Moneys in the fund are continuously appropriated to the  
37 Department of Justice for the purpose of carrying out the provisions of sections 1 to 9 of this  
38 2025 Act.

39 “**SECTION 11.** (1)(a) A state license is required for all dealers to sell firearms, frames,  
40 receivers and unfinished frames and receivers in this state on and after January 1, 2027.

41 “(b) Notwithstanding paragraph (a) of this subsection, for a dealer who holds only a Type  
42 02 Federal Firearms License, a state license is required for the dealer to sell firearms,  
43 frames, receivers and unfinished frames and receivers in this state on and after October 15,  
44 2027.

45 “(2)(a) Notwithstanding subsection (1)(a) of this section, a dealer who submits a suffi-

1 ciently completed application prior to January 1, 2027, may continue to engage in the busi-  
2 ness of dealing in firearms until the Department of Justice has made a determination on the  
3 application.

4 “(b) Notwithstanding subsection (1)(b) of this section, a dealer who holds only a Type 02  
5 Federal Firearms License and who submits a sufficiently completed application prior to Oc-  
6 tober 15, 2027, may continue to engage in the business of dealing in firearms until the De-  
7 partment of Justice has made a determination on the application.

8 “(c) For purposes of this subsection, an application is sufficiently completed if the appli-  
9 cation includes all information necessary to make a determination that the applicant is eli-  
10 gible for a state license.

11 “(3)(a) The Department of Justice shall adopt the initial set of rules required by section  
12 2 of this 2025 Act by no later than February 1, 2026.

13 “(b) The department shall open the application process for state licensing on or before  
14 July 1, 2026.

15 “(c) A state license applicant must apply for a state license by September 1, 2026, in order  
16 to be eligible to be issued a state license prior to January 1, 2027.

17 “(d) Notwithstanding section 3 (3) of this 2025 Act, the department shall make a deter-  
18 mination on a state license application received prior to September 1, 2026, by no later than  
19 December 31, 2026.

20 “(4) A person who is an employee, volunteer or contractor of a licensee on January 1,  
21 2027, and who, in the course of the person’s duties, handles or engages in the sale or other  
22 transfer of a firearm shall complete the training course described in section 5a (1)(a) of this  
23 2025 Act no later than January 1, 2027, unless granted an extension by the department.

24 “(5) A person who is employed by, is volunteering for or is contracted to work with a  
25 licensee, in a capacity in which the person handles or engages in the sale or other transfer  
26 of firearms, on January 1, 2027, who is required to obtain a criminal history record check  
27 under section 5a of this 2025 Act, and who submits fingerprints for the criminal history re-  
28 cord check prior to January 1, 2027, may continue with employment, volunteering or working  
29 pursuant to the contract until the department determines whether the employee is qualified  
30 for employment.

31 “(6) The definitions in section 1 of this 2025 Act apply to this section.

32 “SECTION 12. (1) Section 6 of this 2025 Act becomes operative on January 1, 2027.

33 “(2) The Department of Justice may adopt rules and take any other action before the  
34 operative date specified in subsection (1) of this section that is necessary to enable the de-  
35 partment, on and after the operative date specified in subsection (1) of this section, to  
36 undertake and exercise all of the duties, functions and powers conferred on the department  
37 by section 6 of this 2025 Act.

38 “SECTION 13. ORS 166.433 is amended to read:

39 “166.433. The people of this state find that[.]

40 “[*(1) The laws of Oregon regulating the sale of firearms contain a loophole that allows people other  
41 than gun dealers to sell firearms at gun shows without first conducting criminal background checks;  
42 and*]

43 “[*(2)*] it is necessary for the safety of the people of Oregon that any person who transfers a  
44 firearm at a gun show be required to request a criminal background check before completing the  
45 transfer of the firearm.

1       “**SECTION 14.** ORS 166.436 is amended to read:

2       “166.436. (1) The Department of State Police shall make the telephone number established under  
3 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
4 sons who *[are not gun dealers]* **have a state license as defined in section 1 of this 2025 Act** and  
5 who are transferring firearms at gun shows.

6       “(2) Prior to transferring a firearm at a gun show, a transferor *[who is not a gun dealer]* shall  
7 by telephone verify that the transferee has a valid *[permit-to-purchase]* **permit to purchase** a  
8 firearm under ORS 166.505, and request that the department conduct a criminal background check  
9 on the recipient upon providing the following information to the department:

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

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

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

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

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

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

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

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

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

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

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

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

39       “(5)(a) The department may retain a record of the information obtained during a request for a  
40 criminal background check under this section for the period of time provided in ORS 166.412 (7),  
41 *as amended by section 6, chapter 1, Oregon Laws 2023*.

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

44       “(c) If the department determines that a recipient is prohibited from possessing a firearm under  
45 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient’s name and any

1 other personally identifiable information to all federal, state and local law enforcement agencies and  
2 district attorneys that have jurisdiction over the location or locations where the attempted transfer  
3 was made and where the recipient resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 “**SECTION 15.** ORS 166.438 is amended to read:

45 “166.438. (1) A transferor [*who is not a gun dealer*] may not transfer a firearm at a gun show

1 unless the transferor **has a state license as defined in section 1 of this 2025 Act and:**

2 “[(a)(A)] **(a)** Verifies with the Department of State Police that the recipient has a valid  
3 permit-to-purchase issued under ORS 166.505;

4 “[(B)] **(b)** Requests a criminal background check under ORS 166.436 prior to completing the  
5 transfer;

6 “[(C)] **(c)** Receives a unique approval number from the department indicating that the recipient  
7 is qualified to complete the transfer; and

8 “[(D)] **(d)** Has the recipient complete the form described in ORS 166.441[; or]

9 “[*(b) Completes the transfer through a gun dealer*].

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

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

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

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

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

24 “[*(6)*] **(5)** It is an affirmative defense to a charge of violating subsection (1) or (3) of this section  
25 that the person did not know, or reasonably could not know, that more than 25 firearms were at the  
26 site and available for transfer.

27 “**SECTION 16.** ORS 166.441 is amended to read:

28 “166.441. (1) The Department of State Police shall develop a form to be completed by a person  
29 seeking to obtain a firearm at a gun show from a transferor [*other than a gun dealer*]. The depart-  
30 ment shall consider including in the form all of the requirements for disclosure of information that  
31 are required by federal law for over-the-counter firearms transactions.

32 “(2) The department shall make the form available to the public at no cost.

33 “**SECTION 17.** The amendments to ORS 166.433, 166.436, 166.438 and 166.441 by sections  
34 13 to 16 of this 2025 Act become operative on January 1, 2027.

35 “**SECTION 18.** This 2025 Act being necessary for the immediate preservation of the public  
36 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
37 on its passage.”.