

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO
HOUSE BILL 3075**

1 On page 11 of the printed bill, line 11, after the first “firearm” insert
2 “or unfinished frame or receiver”.

3 On page 15, delete lines 31 through 45 and delete pages 16 through 34 and
4 insert:

5
6 **“LARGE-CAPACITY MAGAZINES**

7
8 **“SECTION 11.** ORS 166.355 is amended to read:

9 “166.355. (1) As used in this section:

10 “(a) ‘Armed Forces of the United States’ has the meaning given that term
11 in ORS [348.282] **352.313**.

12 “(b) ‘Detachable magazine’ means an ammunition feeding device that can
13 be loaded or unloaded while detached from a firearm and readily inserted in
14 a firearm.

15 “(c) ‘Fixed magazine’ means an ammunition feeding device contained in
16 or permanently attached to a firearm in such a manner that the device can-
17 not be removed without disassembly of the firearm action.

18 “(d) ‘Large-capacity magazine’ means a fixed or detachable magazine, belt,
19 drum, feed strip, helical feeding device, or similar device, including any such
20 device joined or coupled with another in any manner, or a kit with such
21 parts, that has an overall capacity of, or that can be readily restored,

1 changed[,] or converted to accept, more than 10 rounds of ammunition and
2 allows a shooter to keep firing without having to pause to reload, but does
3 not include any of the following:

4 “(A) An ammunition feeding device that has been permanently altered so
5 that it is not capable, now or in the future, of accepting more than 10 rounds
6 of ammunition;

7 “(B) An attached tubular device designed to accept, and capable of oper-
8 ating only with, 0.22 caliber rimfire ammunition; or

9 “(C) A tubular ammunition feeding device that is contained in a lever-
10 action firearm.

11 “(e) ‘Loaded’ has the meaning given that term in ORS 166.360.

12 “(f) ‘Person’ means any natural person, corporation, partnership, [*fire*]
13 **firm** or association.

14 “(2) Notwithstanding ORS 166.250 to 166.470, and except as expressly
15 provided in subsections (3) to (5) of this section, a person commits the crime
16 of unlawful manufacture, importation, possession, use, purchase, sale or
17 otherwise transferring of large-capacity magazines if the person manufac-
18 tures, imports, possesses, uses, purchases, sells or otherwise transfers any
19 large-capacity magazine in Oregon on or after December 8, 2022.

20 “[*(3) Subsection (2) of this section does not apply during the first 180 days*
21 *following December 8, 2022, with respect to:*]

22 “[*(a) A licensed gun dealer that within 180 days of December 8, 2022:*]

23 “[*(A) Transfers or sells the large-capacity magazines in the gun dealer’s*
24 *inventory to a nonresident gun dealer or other transferee outside of this*
25 *state;*]

26 “[*(B) Purchases or acquires temporary custody from an owner of any*
27 *large-capacity magazine for permanent removal from this state within 180 days*
28 *of December 8, 2022;*]

29 “[*(C) Permanently alters any large-capacity magazine in the gun dealer’s*
30 *inventory or custody so that it is not capable, upon alteration or in the future,*

1 *of accepting more than 10 rounds of ammunition or permanently alter the*
2 *magazine so it is no longer a; or]*

3 *“[(D) Permanently disposes of the large-capacity magazines in the gun*
4 *dealer’s custody or inventory.]*

5 *“[(b) A firearms manufacturer, properly licensed under federal, state and*
6 *local law, that is a party to a contract, in existence and binding on December*
7 *8, 2022, with an entity outside of this state, for the manufacture of large-*
8 *capacity magazines, provided that:]*

9 *“[(A) All manufacturing is completed no later than 180 days after December*
10 *8, 2022; and]*

11 *“[(B) The entity outside of Oregon receiving the large-capacity magazines*
12 *is made aware in writing on or before the delivery of the ammunition devices*
13 *of the restrictions pertaining to large-capacity magazines in this state as set*
14 *forth in chapter 1, Oregon Laws 2023.]*

15 *“[(4)] (3) Subsection (2) of this section does not apply at any time to:*

16 *“(a) A firearms manufacturer properly licensed under federal, state and*
17 *local law that manufactures large-capacity magazines, provided:*

18 *“(A) The manufacturing is for exclusive sale or transfer to the Armed*
19 *Forces of the United States or a law enforcement agency and solely for au-*
20 *thorized use by that entity related to the official duties of the entity; and*

21 *“(B) Any large-capacity magazine, permitted to be manufactured under*
22 *paragraph (a)(A) of this subsection after December 8, 2022, shall include a*
23 *permanent stamp or marking indicating that the large-capacity magazine was*
24 *manufactured or assembled after December 8, 2022. The stamp or marking*
25 *must be legibly and conspicuously engraved or cast upon the outer surface*
26 *of the large-capacity magazine. The Department **of State Police** may*
27 *promulgate such rules as may be necessary for the implementation of this*
28 *section, including but not limited to rules requiring such large-capacity*
29 *magazine be stamped with information indicating the limitation for use only*
30 *by military and law enforcement or such other identification to distinguish*

1 clearly large-capacity magazines manufactured after December 8, 2022. [*Ex-*
2 *cept as provided in subsection (3)(b) of this section,*] No large-capacity maga-
3 zines without such stamp may be manufactured in this state after December
4 8, 2022.

5 “(b) A licensed gun dealer that sells or otherwise transfers large-capacity
6 magazines to the Armed Forces of the United States or a law enforcement
7 agency solely for authorized use by that entity, provided the large-capacity
8 magazines have been engraved as provided in paragraph (a)(B) of this sub-
9 section.

10 “(c) Any government officer, agent or employee, member of the Armed
11 Forces of the United States or peace officer, as that term is defined in ORS
12 133.005, that is authorized to acquire, possess or use a large-capacity maga-
13 zine provided that any acquisition, possession or use is related [*directly*] to
14 activities within the scope of that person’s official duties.

15 “[~~(5)~~] (4) [*As of December 8, 2022, it shall be*] **It is** an affirmative defense,
16 as provided in ORS [~~166.055~~] **161.055**, to the unlawful possession, use and
17 transfer of a large-capacity magazine in this state by any person[, *provided*]
18 that:

19 “(a)(A) The large-capacity magazine was owned by the person before De-
20 cember 8, 2022, and maintained in the person’s control or possession; or

21 “[*b*] (B) The possession of a large-capacity magazine was obtained by a
22 person who, on or after December 8, 2022, acquired possession of the large-
23 capacity magazine by operation of law upon the death of a former owner who
24 was in legal possession of the large-capacity magazine; and

25 “[*c*] (b)(A) [*In addition to either paragraph (a) or (b) of this subsection*]
26 The owner has not maintained the large-capacity magazine in a manner other
27 than:

28 “[*A*] (i) On property owned or immediately controlled by the
29 [*registered*] owner;

30 “[*B*] (ii) On the premises of a gun dealer or gunsmith licensed under 18

1 U.S.C. 923 for the purpose of lawful service or repair;

2 “[C] (iii) While engaging in the legal use of the large-capacity magazine,
3 at a public or private shooting range or shooting gallery or for recreational
4 activities such as hunting, to the extent permitted under state law; or

5 “[D] (iv) While participating in a firearms competition or an exhibition,
6 display or educational project about firearms sponsored, conducted by, ap-
7 proved or under the auspices of a law enforcement agency or a national or
8 state-recognized entity that fosters proficiency in firearms use or promotes
9 firearms education; and

10 “[E] (B) While transporting any large-capacity magazines in a vehicle
11 to one of the locations authorized in [paragraph (c)(A) to (D) of this sub-
12 section] **subparagraph (A) of this paragraph**, the large-capacity magazine
13 is not inserted into the firearm and is locked in a separate container.

14 “[d] (5) **It is an affirmative defense, as provided in ORS 161.055, to**
15 **the unlawful possession, use and transfer of a large-capacity magazine**
16 **in this state by any person that** the person has permanently and volun-
17 tarily relinquished the large-capacity magazine to law enforcement, or to a
18 buyback or turn-in program approved by law enforcement, prior to **the** com-
19 mencement of prosecution **for the possession, use or transfer** by arrest,
20 citation or a formal charge.

21 “(6) Unlawful manufacture, importation, possession, use, purchase, sale
22 or otherwise transferring of a large-capacity magazine is a Class A
23 misdemeanor.

24 **“SECTION 11a. (1) Notwithstanding ORS 166.355, a person may not**
25 **be prosecuted for any manufacture, importation, possession, use,**
26 **purchase, sale or transfer of a large-capacity magazine that occurs**
27 **while the enforcement of ORS 166.355 is enjoined by a court of law**
28 **within this state.**

29 **“(2) If an injunction prohibiting the enforcement of ORS 166.355 is**
30 **overturned or vacated by an appellate court, ORS 166.355 (2) does not**

1 apply to the following conduct occurring within 180 days after the date
2 the injunction is overturned or vacated:

3 “(a) A licensed gun dealer who:

4 “(A) Transfers or sells the large-capacity magazines in the gun
5 dealer’s inventory to a nonresident gun dealer or other transferee
6 outside of this state;

7 “(B) Purchases or acquires temporary custody from an owner of any
8 large-capacity magazine for permanent removal from this state;

9 “(C) Permanently alters any large-capacity magazine in the gun
10 dealer’s inventory or custody so that it is not capable, upon alteration
11 or in the future, of accepting more than 10 rounds of ammunition or
12 permanently alters the magazine so it is no longer a large-capacity
13 magazine; or

14 “(D) Permanently disposes of the large-capacity magazines in the
15 gun dealer’s custody or inventory.

16 “(b) A firearms manufacturer, properly licensed under federal, state
17 and local law, that is a party to a contract, in existence and binding
18 on the date the injunction is overturned or vacated, with an entity
19 outside of this state, that manufactures large-capacity magazines
20 pursuant to the contract, provided that:

21 “(A) All manufacturing is completed no later than 180 days after the
22 date the injunction is overturned or vacated; and

23 “(B) The entity outside of Oregon receiving the large-capacity
24 magazines is made aware in writing on or before the delivery of the
25 ammunition devices of the restrictions pertaining to large-capacity
26 magazines in this state as set forth in ORS 166.355.

27

28 “TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026

29

30 “SECTION 12. ORS 166.412, as amended by section 6 of this 2025 Act, is

1 amended to read:

2 “166.412. (1) As used in this section:

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

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

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

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

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

11 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
12 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
13 the person is a retail dealer, pawnbroker or otherwise;

14 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a
15 firearm or unfinished frame or receiver from a gun dealer; and

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

18 “(2) Except as provided in subsection (12) of this section, a gun dealer
19 shall comply with the following before a firearm or unfinished frame or re-
20 ceiver is delivered to a purchaser:

21 “(a) The purchaser shall present to the gun dealer current identification
22 meeting the requirements of subsection (4) of this section and[, *for transfers*
23 *occurring on or after July 1, 2026,*] a valid permit issued under ORS 166.505.

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

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

29 “(d) The gun dealer shall, by telephone or computer, request that the de-
30 partment conduct a criminal background check on the purchaser, verify[, *for*

1 *transfers occurring on or after July 1, 2026,*] that the purchaser has a valid
2 permit to purchase a firearm issued under ORS 166.505, and provide the fol-
3 lowing information to the department:

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

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

6 “(C) The place of transfer;

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

8 “(E) The make, model, caliber and manufacturer’s number of the firearm
9 being transferred or a description of the unfinished frame or receiver being
10 transferred;

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

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

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

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

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

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

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

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

30 “(b) If the department is unable to determine within 30 minutes if the

1 purchaser is qualified or disqualified from completing the transfer, the de-
2 partment shall notify the gun dealer and provide the gun dealer with an es-
3 timate of the time when the department will provide the requested
4 information.

5 “(c) The dealer may not transfer the firearm or unfinished frame or re-
6 ceiver unless the dealer receives a unique approval number from the depart-
7 ment. Within 48 hours of completing the transfer, the dealer shall notify the
8 department that the transfer was completed.

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

12 “(A) Is issued under the authority of the United States Government, a
13 state, a political subdivision of a state, a foreign government, a political
14 subdivision of a foreign government, an international governmental organ-
15 ization or an international quasi-governmental organization; and

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

18 “(b) If the identification presented by the purchaser under paragraph (a)
19 of this subsection does not include the current address of the purchaser, the
20 purchaser shall present a second piece of current identification that contains
21 the current address of the purchaser. The Superintendent of State Police may
22 specify by rule the type of identification that may be presented under this
23 paragraph.

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

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

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

4 “(7)(a) The department may retain a record of the information obtained
5 during a request for a criminal history record check for no more than five
6 years, **except that information provided to the gun dealer under sub-**
7 **section (2)(d) of this section sufficient to reflect each firearm pur-**
8 **chased by a permit holder shall be retained and attached to the**
9 **electronic record of the permit stored by the department. The depart-**
10 **ment may develop a system for removal of the information described**
11 **in subsection (2)(d)(E) of this section upon proof of sale or transfer**
12 **of the firearm to another permit holder, and for the recording of the**
13 **information to reflect the transfer of ownership to the permit of the**
14 **new owner.**

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

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

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

30 “(e) If the department determines that the purchaser is prohibited from

1 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
2 department shall report the attempted transfer to the court that issued the
3 order.

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

7 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
8 made within 24 hours after the determination is made, unless a report would
9 compromise an ongoing investigation, in which case the report may be de-
10 layed as long as necessary to avoid compromising the investigation.

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

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

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

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

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

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

1 “(8) A law enforcement agency may inspect the records of a gun dealer
2 relating to transfers of firearms and unfinished frames or receivers with the
3 consent of a gun dealer in the course of a reasonable inquiry during a
4 criminal investigation or under the authority of a properly authorized
5 subpoena or search warrant.

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

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

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

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

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

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

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

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

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

24 “(b) A gun dealer that requests a criminal background check under this
25 subsection is immune from civil liability for any use of the firearm or un-
26 finished frame or receiver by the recipient or transferee, provided that the
27 gun dealer:

28 “(A) Requests the criminal background check as described in this section;

29 “(B) Receives a unique approval number from the department indicating
30 successful completion of the criminal background check; and

1 “(C) [*For transfers occurring on or after July 1, 2026,*] Verifies that the
2 recipient has a valid permit to purchase the firearm or unfinished frame or
3 receiver.

4 “[*(14)(a) Knowingly selling or delivering a firearm or unfinished frame or*
5 *receiver to a purchaser or transferee prior to receiving a unique approval*
6 *number from the department based on the criminal background check in vio-*
7 *lation of subsection (3)(c) of this section is a Class A misdemeanor.*]

8 “[*(b)*] **(14)** [*For transfers occurring on or after July 1, 2026,*] Knowingly
9 selling or delivering a firearm or unfinished frame or receiver to a purchaser
10 or transferee who does not have a valid permit to purchase a firearm in vi-
11 olation of subsection (2)(d) of this section, or prior to receiving a unique
12 approval number from the department based on the criminal background
13 check in violation of subsection (3)(c) of this section, is a Class A
14 misdemeanor.

15 **“SECTION 13.** ORS 166.435, as amended by section 7 of this 2025 Act, is
16 amended to read:

17 “166.435. (1) As used in this section:

18 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
19 transferee, including, but not limited to, the sale, gift, loan or lease of the
20 firearm. ‘Transfer’ does not include the temporary provision of a firearm to
21 a transferee if the transferor has no reason to believe the transferee is pro-
22 hibited from possessing a firearm or intends to use the firearm in the com-
23 mission of a crime, and the provision occurs:

24 “(A) At a shooting range, shooting gallery or other area designed for the
25 purpose of target shooting, for use during target practice, a firearms safety
26 or training course or class or a similar lawful activity;

27 “(B) For the purpose of hunting, trapping or target shooting, during the
28 time in which the transferee is engaged in activities related to hunting,
29 trapping or target shooting;

30 “(C) Under circumstances in which the transferee and the firearm are in

1 the presence of the transferor;

2 “(D) To a transferee who is in the business of repairing firearms, for the
3 time during which the firearm is being repaired;

4 “(E) To a transferee who is in the business of making or repairing custom
5 accessories for firearms, for the time during which the accessories are being
6 made or repaired; or

7 “(F) For the purpose of preventing imminent death or serious physical
8 injury, and the provision lasts only as long as is necessary to prevent the
9 death or serious physical injury.

10 “(b) ‘Transferee’ means a person who is not a gun dealer or licensed as
11 a manufacturer or importer under 18 U.S.C. 923 and who intends to receive
12 a firearm from a transferor.

13 “(c) ‘Transferor’ means a person who is not a gun dealer or licensed as
14 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
15 a firearm to a transferee.

16 “(2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of
17 this section, a transferor may not transfer a firearm to a transferee unless
18 the transfer is completed through a gun dealer as described in subsection (3)
19 of this section.

20 “(3)(a) A transferor may transfer a firearm to a transferee only as pro-
21 vided in this section. Except as provided in paragraph (b) of this subsection,
22 prior to the transfer both the transferor and the transferee must appear in
23 person before a gun dealer, with the firearm and[, *for transfers occurring on*
24 *or after July 1, 2026,*] a valid permit-to-purchase issued to the transferee un-
25 der ORS 166.505, and request that the gun dealer perform a criminal back-
26 ground check on the transferee.

27 “(b) If the transferor and the transferee reside over 40 miles from each
28 other, the transferor may ship or deliver the firearm to a gun dealer located
29 near the transferee or a gun dealer designated by the transferee, and the
30 transferor need not appear before the gun dealer in person.

1 “(c) A gun dealer who agrees to complete a transfer of a firearm under
2 this section shall request a criminal history record check on the transferee
3 as described in ORS 166.412 and shall comply with all requirements of federal
4 law.

5 “(d) If, upon completion of a criminal background check, the gun dealer:

6 “(A) Receives a unique approval number from the Department of State
7 Police indicating that the transferee is qualified to complete the transfer, the
8 gun dealer shall notify the transferor, enter the firearm into the gun dealer’s
9 inventory and transfer the firearm to the transferee.

10 “(B) Receives notification that the transferee is prohibited by state or
11 federal law from possessing or receiving the firearm or that the department
12 is unable to determine if the transferee is qualified or disqualified from
13 completing the transfer, the gun dealer shall notify the transferor and nei-
14 ther the transferor nor the gun dealer shall transfer the firearm to the
15 transferee. If the transferor shipped or delivered the firearm to the gun
16 dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
17 comply with federal law when returning the firearm to the transferor.

18 “(e) A gun dealer may charge a reasonable fee for facilitating a firearm
19 transfer pursuant to this section.

20 “(4) The requirements of subsections (2) and (3) of this section do not
21 apply to:

22 “(a) The transfer of a firearm by or to a law enforcement agency, or by
23 or to a law enforcement officer, private security professional or member of
24 the Armed Forces of the United States, while that person is acting within
25 the scope of official duties.

26 “(b) The transfer of a firearm as part of a firearm turn-in or buyback
27 event, in which a law enforcement agency receives or purchases firearms
28 from members of the public.

29 “(c) The transfer of a firearm to:

30 “(A) A transferor’s spouse or domestic partner;

1 “(B) A transferor’s parent or stepparent;
2 “(C) A transferor’s child or stepchild;
3 “(D) A transferor’s sibling;
4 “(E) A transferor’s grandparent;
5 “(F) A transferor’s grandchild;
6 “(G) A transferor’s aunt or uncle;
7 “(H) A transferor’s first cousin;
8 “(I) A transferor’s niece or nephew; or
9 “(J) The spouse or domestic partner of a person specified in subpara-
10 graphs (B) to (I) of this paragraph.

11 “(d) The transfer of a firearm that occurs because of the death of the
12 firearm owner, provided that:

13 “(A) The transfer is conducted or facilitated by a personal representative,
14 as defined in ORS 111.005, or a trustee of a trust created in a will; and

15 “(B) The transferee is related to the deceased firearm owner in a manner
16 specified in paragraph (c) of this subsection.

17 “(5)(a) A transferor who fails to comply with the requirements of this
18 section commits a Class A misdemeanor.

19 “(b) Notwithstanding paragraph (a) of this subsection, a transferor who
20 fails to comply with the requirements of this section commits a Class B fel-
21 ony if the transferor has a previous conviction under this section at the time
22 of the offense.

23 “**SECTION 14.** ORS 166.436, as amended by section 8 of this 2025 Act, is
24 amended to read:

25 “166.436. (1) The Department of State Police shall make the telephone
26 number established under ORS 166.412 (5) available for requests for criminal
27 background checks under this section from persons who are not gun dealers
28 and who are transferring firearms at gun shows.

29 “(2) Prior to transferring a firearm at a gun show, a transferor who is
30 not a gun dealer shall by telephone request that the department conduct a

1 criminal background check on the recipient, verify[*for transfers occurring*
2 *on or after July 1, 2026,*] that the transferee has a valid permit to purchase
3 a firearm under ORS 166.505, and provide the following information to the
4 department:

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

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

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

9 “(d) The Social Security number of the recipient if the recipient volun-
10 tarily provides that number;

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

12 “(f) The type, issuer and identification number of a current piece of
13 identification bearing a recent photograph of the recipient presented by the
14 recipient. The identification presented by the recipient must meet the re-
15 quirements of ORS 166.412 (4)(a).

16 “(3)(a) Upon receipt of a request for a criminal background check under
17 this section, the department shall immediately, during the telephone call or
18 by return call:

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

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

30 “(b) If the department is unable to determine whether the recipient is

1 qualified for or disqualified from completing the transfer within 30 minutes
2 of receiving the request, the department shall notify the transferor and pro-
3 vide the transferor with an estimate of the time when the department will
4 provide the requested information.

5 “(c) The transferor may not transfer the firearm unless the transferor
6 receives a unique approval number from the department and, within 48 hours
7 of the completed transfer, the transferor shall notify the department that the
8 transfer was completed.

9 “(4) A public employee or public agency incurs no criminal or civil li-
10 ability for performing the criminal background checks required by this sec-
11 tion, provided the employee or agency acts in good faith and without malice.

12 “(5)(a) The department may retain a record of the information obtained
13 during a request for a criminal background check under this section for the
14 period of time provided in ORS 166.412 (7).

15 “(b) The record of the information obtained during a request for a crimi-
16 nal background check under this section is exempt from disclosure under
17 public records law.

18 “(c) If the department determines that a recipient is prohibited from pos-
19 sessing a firearm under ORS 166.250 (1)(c), the department shall report the
20 attempted transfer, the recipient’s name and any other personally identifiable
21 information to all federal, state and local law enforcement agencies and
22 district attorneys that have jurisdiction over the location or locations where
23 the attempted transfer was made and where the recipient resides.

24 “(d) If the department determines that, based on the judgment of con-
25 viction, the recipient is prohibited from possessing a firearm as a condition
26 of probation or that the recipient is currently on post-prison supervision or
27 parole, the department shall report the attempted transfer to the recipient’s
28 supervising officer and the district attorney of the county in which the con-
29 viction occurred.

30 “(e) If the department determines that the recipient is prohibited from

1 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
2 department shall report the attempted transfer to the court that issued the
3 order.

4 “(f) If the department determines that the recipient is under the jurisdic-
5 tion of the Psychiatric Security Review Board, the department shall report
6 the attempted transfer to the board.

7 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
8 made within 24 hours after the determination is made, unless a report would
9 compromise an ongoing investigation, in which case the report may be de-
10 layed as long as necessary to avoid compromising the investigation.

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

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

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

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

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

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

1 “(6) The recipient of the firearm must be present when the transferor re-
2 quests a criminal background check under this section.

3 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection,
4 a transferor who receives notification under this section that the recipient
5 is qualified to complete the transfer of a firearm, has the recipient fill out
6 the form required by ORS 166.438 (1)(a) and retains the form as required by
7 ORS 166.438 (2) is immune from civil liability for any use of the firearm from
8 the time of the transfer unless the transferor knows, or reasonably should
9 know, that the recipient is likely to commit an unlawful act involving the
10 firearm.

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

13 “(A) If the transferor knows, or reasonably should know, that the recipi-
14 ent of the firearm intends to deliver the firearm to a third person who the
15 transferor knows, or reasonably should know, may not lawfully possess the
16 firearm; or

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

18 “**SECTION 15.** ORS 166.438, as amended by section 9 of this 2025 Act, is
19 amended to read:

20 “166.438. (1) A transferor who is not a gun dealer may not transfer a
21 firearm at a gun show unless the transferor:

22 “(a)(A) [*For transfers occurring on or after July 1, 2026,*] Verifies with the
23 Department of State Police that the recipient has a valid permit-to-purchase
24 issued under ORS 166.505;

25 “(B) Requests a criminal background check under ORS 166.436 prior to
26 completing the transfer;

27 “(C) Receives a unique approval number from the department indicating
28 that the recipient is qualified to complete the transfer; and

29 “(D) Has the recipient complete the form described in ORS 166.441; or

30 “(b) Completes the transfer through a gun dealer.

1 “(2) The transferor shall retain the completed form referred to in sub-
2 section (1) of this section for at least five years and shall make the completed
3 form available to law enforcement agencies for the purpose of criminal in-
4 vestigations.

5 “(3) A person who organizes a gun show shall post in a prominent place
6 at the gun show a notice explaining the requirements of subsections (1) and
7 (2) of this section. The person shall provide the form required by subsection
8 (1) of this section to any person transferring a firearm at the gun show.

9 “(4) Subsection (1) of this section does not apply if the transferee is li-
10 censed as a dealer under 18 U.S.C. 923.

11 “(5)(a) Failure to comply with the requirements of subsection (1), (2) or
12 (3) of this section is a Class A misdemeanor.

13 “(b) Notwithstanding paragraph (a) of this subsection, failure to comply
14 with the requirements of subsection (1), (2) or (3) of this section is a Class
15 C felony if the person has two or more previous convictions under this sec-
16 tion at the time of the offense.

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

20 **“SECTION 16. (1) The amendments to ORS 166.412, 166.435, 166.436**
21 **and 166.438 by sections 12 to 15 of this 2025 Act become operative on**
22 **July 1, 2026.**

23 **“(2) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by**
24 **sections 12 to 15 of this 2025 Act apply to firearm transfers occurring**
25 **on or after July 1, 2026.**

26

27 **“MISCELLANEOUS PROVISIONS OF BALLOT MEASURE 114**

28

29 **“SECTION 17. Section 13, chapter 1, Oregon Laws 2023 (Ballot Measure**
30 **114 (2022)), is amended to read:**

1 **“Sec. 13.** The provisions of [*this 2022 Act*] **chapter 1, Oregon Laws 2023,**
2 apply to all actions taken on or after [*the effective date of this 2022 Act*]
3 **December 8, 2022,** [*unless*] **except as** expressly stated otherwise [*herein*] **by**
4 **law.** [*This 2022 Act may be known and cited as the Reduction of Gun Violence*
5 *Act.*]

6

7

“CHALLENGE TO LEGALITY OF ACT

8

9 **“SECTION 18.** Any action challenging the legality, including the
10 **constitutionality,** of this 2025 Act must be commenced in the Circuit
11 **Court for Marion County.**

12

13

“CAPTIONS

14

15 **“SECTION 19.** The unit captions used in this 2025 Act are provided
16 **only for the convenience of the reader and do not become part of the**
17 **statutory law of this state or express any legislative intent in the**
18 **enactment of this 2025 Act.**

19

20

“EMERGENCY CLAUSE

21

22 **“SECTION 20.** This 2025 Act being necessary for the immediate
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2025 Act takes effect on its passage.”.**

25
