

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO
HOUSE BILL 3075**

1 On page 2 of the printed bill, delete lines 14 through 45 and delete pages
2 3 through 34 and insert:

3 **“SECTION 4.** ORS 166.505 is amended to read:

4 “166.505. (1)(a) A person may apply for a [*permit-to-purchase*] **permit to**
5 **purchase or otherwise acquire** a firearm or firearms under this section to
6 [*the police chief or county sheriff with jurisdiction over the residence of the*
7 *person making the application, or their designees, hereinafter referred to as*
8 *‘permit agent.’*] **a permit agent, as follows:**

9 **“(A) An applicant whose residence is in an incorporated area may**
10 **apply for a permit to purchase a firearm to either the police chief of**
11 **the city in which the applicant resides or the county sheriff of the**
12 **county in which the applicant resides.**

13 **“(B) An applicant whose residence is in an unincorporated area may**
14 **apply for a permit to purchase a firearm to the county sheriff of the**
15 **county in which the applicant resides.**

16 “(b) A person is qualified to be issued a permit-to-purchase under this
17 section if the person:

18 “(A) Is not prohibited from **possessing**, purchasing or acquiring a firearm
19 under state or federal law[, *including but not limited to*];

20 **“(B) Has not, within the previous four years, been convicted of or**
21 **been found guilty except for insanity of a misdemeanor involving vi-**

1 **olence as defined in ORS 166.470;**

2 “(C) Successfully [*completing*] **completes** a criminal background check
3 as described [*under*] **in** paragraph [(*e*)] (**f**) of this subsection;

4 “[(*B*)] (**D**) Is not the subject of an order described in ORS 166.525 to
5 166.543;

6 “[(*C*)] (**E**) Does not present reasonable grounds for a permit agent to
7 conclude that the applicant has been or is reasonably likely to be a danger
8 to self or others, or to the community at large, as a result of the applicant’s
9 mental or psychological state or as demonstrated by the applicant’s past
10 pattern of behavior involving unlawful violence or threats of unlawful vi-
11 olence;

12 “[(*D*)] (**F**) Provides proof of completion of a firearm safety course as de-
13 fined in subsection (8) of this section; and

14 “[(*E*)] (**G**) Pays the fee described in subsection (3)(b) of this section.

15 “(c) An application for a permit under this section must state the
16 applicant’s legal name, current address and telephone number, date and place
17 of birth, physical description[,] and any additional information determined
18 necessary by Department **of State Police** rules. The application must be
19 signed by the applicant in front of the permit agent.

20 “(d) The permit agent shall verify the applicant’s identity with a
21 government-issued form of identification bearing a photograph of the appli-
22 cant.

23 “(e) The applicant must submit to fingerprinting and photographing by
24 the permit agent. The permit agent shall fingerprint and photograph the ap-
25 plicant and shall conduct [*any*] **an** investigation necessary to determine
26 whether the applicant meets the qualifications described in paragraph (b) of
27 this subsection.

28 “(**f**) The permit agent shall request the department to conduct a criminal
29 background check, including but not limited to a fingerprint identification,
30 **first through state databases and then submit a request** through the

1 Federal Bureau of Investigation. The **department shall request that the**
2 Federal Bureau of Investigation [*shall*] return the fingerprint cards used to
3 conduct the criminal background check and [*may*] **does** not keep any record
4 of the fingerprints. Upon completion of the criminal background check and
5 determination of whether, **based on the records available to the depart-**
6 **ment**, the permit applicant is qualified or disqualified from **possessing,**
7 purchasing or otherwise acquiring a firearm the department shall report the
8 results[, *including the outcome of the fingerprint-based criminal background*
9 *check,*] **in writing** to the permit agent. **The results shall consist of an**
10 **indication that either the applicant is qualified or that the applicant**
11 **is disqualified and the reason for the disqualification, and the outcome**
12 **of any fingerprint-based criminal background check.**

13 “(g) If the department is unable to complete a criminal background
14 check due to missing or incomplete records, the transaction will be
15 deemed disqualified and the department shall notify the permit agent
16 of the deficiency within the criminal history record. If the missing
17 information is obtained by the applicant, the applicant may submit a
18 new application to the permit agent with supporting documentation.

19 “(h) The record of information obtained during the permit applica-
20 tion process or during a request for a criminal background check by
21 a permit agent is exempt from disclosure as a public record under ORS
22 192.311 to 192.478.

23 “(2)(a) If during the background check, the department determines that:

24 “(A) [*A purchaser*] **An applicant** is prohibited from possessing a firearm
25 under ORS 166.250 (1)(c), the department shall report the attempted applica-
26 tion for a permit, the [*purchaser’s*] **applicant’s** name and any other per-
27 sonally identifiable information to all federal, state and local law
28 enforcement agencies and district attorneys that have jurisdiction over the
29 location or locations where the attempted application for a permit was made
30 and where the permit applicant resides.

1 “(B) Based on the judgment of conviction, the permit applicant is pro-
2 hibited from possessing a firearm as a condition of probation or that the
3 permit applicant is currently on post-prison supervision or parole, the de-
4 partment shall report the attempted application for a permit to the permit
5 applicant’s supervising officer and the district attorney of the county in
6 which the conviction occurred.

7 “(C) The permit applicant is prohibited from possessing a firearm due to
8 a court order described in ORS 166.255 (1)(a), the department shall report the
9 attempted application for a permit to the court that issued the order.

10 “(D) The permit applicant is under the jurisdiction of the Psychiatric
11 Security Review Board, the department shall report the attempted applica-
12 tion for a permit to the board.

13 “(b) Reports required by paragraph [(a)(A) to (D)] (a) of this subsection
14 shall be made within 24 hours after the determination is made, unless a re-
15 port would compromise an ongoing investigation, in which case the report
16 may be delayed as long as necessary to avoid compromising the investigation.

17 “(c) On or before January 31 of each year, beginning in [2024] **2027**, the
18 department shall annually publish a report indicating for each county the
19 number of applications made to any permit agent, the number of permits-to-
20 purchase issued and the number of permits-to-purchase denied and the rea-
21 sons for denial. *[The department may, by rule, include any additional*
22 *information that it determines would be helpful to ensuring the permit-to-*
23 *purchase process is being administered in a consistent and equitable*
24 *manner.]* **The report shall additionally specify, for each county, racial**
25 **and gender information concerning each applicant within the total**
26 **number of permits granted and denied and the reason for denial to**
27 **support the consistent and equitable administration of the permitting**
28 **process. The report may not include any information that personally**
29 **identifies an individual applicant. The department may adopt rules**
30 **relating to the information needed from permit agents for the pur-**

1 **poses of creating the annual report.**

2 “(3)(a) Within 30 days of receiving an application for a permit under this
3 section, if the permit agent has verified the applicant’s identity and deter-
4 mined that the applicant has met each of the qualifications described in
5 subsection (1)(b) of this section, the permit agent shall issue the permit-to-
6 purchase.

7 “(b) The permit agent may charge a reasonable fee reflecting the actual
8 cost of the process but shall not exceed [~~\$65~~] **\$150**, including the cost of fin-
9 gerprinting, photographing and obtaining a criminal background check. **The**
10 **portion of the fee payable to the department for conducting the state**
11 **and federal criminal background check shall be established by the de-**
12 **partment and may not exceed \$48.**

13 “(4)(a) The department shall develop:

14 “(A) A standardized application form for a permit under this section; and

15 “(B) A form in quadruplicate for use by permit agents in issuing permits
16 under this section.

17 “(b) The issuing permit agent shall:

18 “(A) **Enter the name of the permit holder into the Law Enforcement**
19 **Data System and indicate that the person is a permit holder.**

20 “(B) Maintain a copy of each permit issued under this section.

21 “(c) The person named in a permit shall:

22 “(A) Maintain a copy of the permit as long as the permit is valid.

23 “(B) Present a copy of the permit to the gun dealer or transferor of a
24 firearm when required under ORS 166.412, 166.435, 166.436 or 166.438.

25 “(5)(a) The permit agent shall report the issuance of a permit under this
26 section to the department[,] and shall provide to the department a copy of
27 the permit and any information necessary for the department to maintain an
28 electronic searchable database of all permits issued under this section. A
29 permit agent revoking a permit shall report the revocation to the department
30 at the time that notice of the revocation has been sent to the permit holder.

1 “(b) The department shall maintain the electronic database described in
2 paragraph (a) of this subsection by ensuring that new permits are added to
3 the database, renewed permits are assigned a new expiration date[,] and ex-
4 pired or revoked permits are marked expired or revoked but retained in the
5 database.

6 “(c) **The record of information obtained during the permit applica-**
7 **tion process provided to the department or during the processing of a**
8 **criminal background check by the department, and the information**
9 **contained in the database described in this subsection, is exempt from**
10 **disclosure as a public record under ORS 192.311 to 192.478.**

11 “(6)(a) A permit-to-purchase issued under this section does not create any
12 right of the permit holder to receive a firearm **or carry a concealed**
13 **firearm.**

14 “(b) A permit-to-purchase issued under this section is not a limit on the
15 number of firearms the permit holder may purchase or acquire during the
16 time period when the permit is valid.

17 “(7)(a) A permit-to-purchase issued under this section, **including a per-**
18 **mit renewed as described in this subsection,** is valid for five years from
19 the date of issuance, unless revoked.

20 “(b) A person may renew an unexpired permit issued under this section
21 by repeating the procedures set forth in subsection (1) of this section, except:

22 “(A) A full fingerprint set does not need to be taken again if the original
23 set has been retained by the permit agent [*or is otherwise available*]; and

24 “(B) The training course does not need to be completed, provided the
25 course previously taken fully complies with each of the requirements set
26 forth in subsection (8) of this section.

27 “(c) The permit agent may charge a reasonable fee for renewal of the
28 permit, reflecting the actual cost of the process but shall not exceed [~~\$50~~]
29 **\$110**, including the cost of obtaining a criminal background check and pho-
30 tographing. **The portion of the fee payable to the department for con-**

1 **ducting the state and federal criminal background check shall be**
2 **established by the department and may not exceed \$48.**

3 “(8)(a) As used in this section, ‘proof of completion of a firearm safety
4 course’ means the following:

5 “[*(a)*] **(A) Proof of completion of any firearms training course or class**
6 **available to the general public that is offered by law enforcement, a com-**
7 **munity college, [*or*] a private or public institution or **an** organization or**
8 **firearms training school utilizing instructors [*certified*] **approved** by a law**
9 **enforcement agency, and that includes the components [*set forth*] **described****
10 **in paragraph [*(c)*] **(b)** of this subsection; [*or*]**

11 “[*(b)* *Proof of completion of any law enforcement firearms training course*
12 *or class that is offered for security guards, investigators, reserve law enforce-*
13 *ment officers, or any other law enforcement officers, and that includes the*
14 *components set forth in paragraph (c) of this subsection;*]

15 “**(B) Proof of completion of a training course or class for a con-**
16 **cealed handgun license issued under ORS 166.291 and 166.292, provided**
17 **that the course includes all of the components described in paragraph**
18 **(b) of this subsection;**

19 “**(C) Prior or current certification as a police officer, corrections**
20 **officer or armed parole and probation officer, as those terms are de-**
21 **defined in ORS 181A.355, or a federal officer as defined in ORS 133.005;**

22 “**(D) Certification as an instructor approved by the National Rifle**
23 **Association;**

24 “**(E) Proof of qualification with a pistol, rifle or other small arms**
25 **while serving in the Armed Forces of the United States as defined in**
26 **ORS 352.313, as documented on a federal DD Form 214 (Certificate of**
27 **Release or Discharge from Active Duty), if the qualification occurred**
28 **within the 10 years prior to the date of application for issuance of the**
29 **permit; or**

30 “**(F) Current certification as an armed private security professional**

1 **under ORS 181A.840 to 181A.918.**

2 “[~~(c)~~] **(b)** A firearms training course or class required for issuance of a
3 permit-to-purchase must include:

4 “(A) Review of federal and state laws in place at the time of the class and
5 other safe practices related to ownership, purchase, transfer, use and trans-
6 portation of firearms;

7 “(B) Review of federal and state safe storage laws in place at the time
8 of the class and other safe practices related to safe storage, including re-
9 porting lost and stolen guns;

10 “(C) Prevention of abuse or misuse of firearms, including the impact of
11 homicide and suicide on families, communities and the country as a whole;
12 and

13 “(D) In-person demonstration of the applicant’s ability to lock, load, un-
14 load, fire and store a firearm before an instructor [*certified*] **approved** by a
15 law enforcement agency. This requirement may be met separately from the
16 other course requirements in subparagraphs (A), (B) and (C) of this para-
17 graph, which may be completed in an online course, provided the online
18 course has been conducted by [*a trainer certified by law enforcement*] **an in-**
19 **structor approved by a law enforcement agency.**

20 “**(c) A training course or class described in paragraph (a)(A) or (B)**
21 **of this subsection must have been completed within five years prior**
22 **to the date of application for issuance of the permit.**

23 “[*(d) Proof of successful completion of a training course in order to meet*
24 *the requirements for a concealed handgun license issued under ORS 166.291*
25 *and 166.292 may be submitted for a permit as a substitute for the requirements*
26 *in paragraph (c) of this subsection, provided the completed course included*
27 *each of the components set forth in paragraph (c) of this subsection.*]

28 “**(d)(A) As used in this subsection, ‘instructor approved by a law**
29 **enforcement agency’ means an instructor who has written certifica-**
30 **tion from an Oregon law enforcement agency to provide firearms**

1 **training or who is currently approved to provide the firearms training**
2 **required for an Oregon concealed handgun license under ORS 166.291.**

3 **“(B) A law enforcement agency, the political subdivision governing**
4 **the law enforcement agency and their officers, employees and agents**
5 **are not civilly liable for the actions or inactions of an approved trainer**
6 **if the law enforcement agency acted in good faith providing the ap-**
7 **proval.**

8 “(9) The department may adopt rules to carry out the provisions of this
9 section.

10 **“SECTION 5.** ORS 166.508 is amended to read:

11 “166.508. (1) If [*the*] **an** application for [*the*] **a** permit-to-purchase is denied,
12 the permit agent shall set forth in writing the reasons for the denial. The
13 denial shall be placed in the mail to the applicant by certified mail, re-
14 stricted delivery, within 30 days after the application was made. If no deci-
15 sion is issued within 30 days **and the 30th day occurs on or after January**
16 **1, 2026**, the person may seek review under the procedures **described** in sub-
17 section [(5)] **(6)** of this section.

18 “(2) Notwithstanding ORS 166.505 (1) to (3), and subject to review as
19 provided in subsection [(5)] **(6)** of this section, a permit agent may deny a
20 permit-to-purchase if the permit agent has reasonable grounds to believe that
21 the applicant has been or is reasonably likely to be a danger to self or oth-
22 ers, or to the community at large, as a result of the applicant’s mental or
23 psychological state or as demonstrated by the applicant’s past pattern of
24 behavior involving unlawful violence or threats of unlawful violence.

25 “(3)(a) Any act or condition that would prevent the issuance of a permit-
26 to-purchase is cause for revoking a permit-to-purchase.

27 “(b) A permit agent may revoke a permit by serving on the permittee a
28 notice of revocation. The notice must contain the grounds for the revocation
29 and must be served either personally or by certified mail, restricted delivery.
30 The notice and return of service shall be included in the file of the permit

1 holder. The revocation is effective upon the permit holder's receipt of the
2 notice.

3 “(4) **No civil or criminal liability shall attach to a permit agent or**
4 **the Department of State Police for receiving, reviewing or conducting**
5 **an investigation connected with an application for, or the issuance,**
6 **denial, revocation or refusal to renew, a firearm permit under this**
7 **section or ORS 166.505, if the action is pursuant to or results from the**
8 **lawful performance of official duties described in this section and**
9 **166.505.**

10 “[4] (5) Any peace officer or corrections officer may seize a permit-to-
11 purchase and return it to the issuing permit agent if the permit is held by
12 a person who has been arrested or cited for a crime that can or would oth-
13 erwise disqualify the person from being issued a permit. The issuing permit
14 agent shall hold the permit for 30 days. If the person is not charged with a
15 crime within the 30 days, the permit agent shall return the permit unless the
16 permit agent revokes the permit as provided in subsection (3) of this section.

17 “[5] (6) A person denied a permit-to-purchase or whose permit is revoked
18 or *[not renewed]* **denied renewal** may petition the circuit court in the
19 petitioner's county of residence to review the denial[, *nonrenewal*] or revo-
20 cation. The petition must be filed within 30 days after the receipt of the
21 notice of the denial or revocation.

22 “[6] (7) *[The]* A judgment affirming or overturning *[the]* a permit agent's
23 decision shall be based on whether the petitioner meets the criteria that are
24 used for issuance of a permit-to-purchase and, if the petitioner was denied a
25 permit, whether the permit agent has reasonable grounds for denial under
26 subsection (2) of this section. Whenever the petitioner has been previously
27 sentenced for a crime under ORS 161.610 [*Enhanced penalty for use of*
28 *firearm during commission of felony*] or for a crime of violence for which the
29 person could have received a sentence of more than 10 years, the court shall
30 grant relief only if the court finds that relief should be granted in the in-

1 terest of justice.

2 “[~~(7)~~] **(8)** Notwithstanding the provisions of ORS 9.320 [*(Necessity for em-*
3 *ployment of attorney)*], a party that is not a natural person, the state or any
4 city, county, district or other political subdivision or public corporation in
5 this state, without appearance by attorney, may appear as a party to an
6 action under this section.

7 “[~~(8)~~] **(9)** Petitions filed under this section shall be heard and disposed of
8 within 15 judicial days of filing or as soon as practicable thereafter.

9 “[~~(9)~~] **(10)** Filing fees for actions **described in this section** shall be as
10 for any civil action filed in the court. If the petitioner prevails, the amount
11 of the filing fee shall be paid by the respondent to the petitioner and may
12 be incorporated into the court order.

13 “[~~(10)~~] **(11)** Initial appeals of petitions shall be heard de novo.

14 “[~~(11)~~] **(12)** Any party to a judgment under this section may appeal to the
15 Court of Appeals in the same manner as for any other civil action.

16 “[~~(12)~~] **(13)** If the governmental entity files an appeal under this section
17 and does not prevail, it shall be ordered to pay the attorney fees for the
18 prevailing party.

19

20 **“TRANSFERS OCCURRING BEFORE JULY 1, 2026**

21

22 **“SECTION 6.** ORS 166.412 is amended to read:

23 “166.412. (1) As used in this section:

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

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

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

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

30 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the

1 department under subsection (11) of this section;

2 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
3 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
4 the person is a retail dealer, pawnbroker or otherwise;

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

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

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

12 “(a) The purchaser shall present to the gun dealer current identification
13 meeting the requirements of subsection (4) of this section and, **for transfers**
14 **occurring on or after July 1, 2026**, a valid permit issued under ORS
15 166.505.

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

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

21 “(d) The gun dealer shall, by telephone or computer, **request that the**
22 **department conduct a criminal background check on the purchaser,**
23 **verify, for transfers occurring on or after July 1, 2026,** that the purchaser
24 has a valid [*permit-to-purchase*] **permit to purchase** a firearm issued under
25 ORS 166.505, and [*request that the department conduct a criminal history re-*
26 *cord check on the purchaser and shall*] provide the following information to
27 the department:

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

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

30 “(C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

24 “(b) If the department is unable to determine **within 30 minutes** if the
25 purchaser is qualified or disqualified from completing the transfer [*within*
26 *30 minutes*], the department shall notify the gun dealer and provide the gun
27 dealer with an estimate of the time when the department will provide the
28 requested information.

29 “(c) The dealer may not transfer the firearm or unfinished frame or re-
30 ceiver unless the dealer receives a unique approval number from the depart-

1 ment. [*and,*] Within 48 hours of completing the transfer, the dealer shall
2 notify the [*state*] **department** that the transfer [*to the permit holder*] was
3 completed.

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

7 “(A) Is issued under the authority of the United States Government, a
8 state, a political subdivision of a state, a foreign government, a political
9 subdivision of a foreign government, an international governmental organ-
10 ization or an international quasi-governmental organization; and

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

13 “(b) If the identification presented by the purchaser under paragraph (a)
14 of this subsection does not include the current address of the purchaser, the
15 purchaser shall present a second piece of current identification that contains
16 the current address of the purchaser. The Superintendent of State Police may
17 specify by rule the type of identification that may be presented under this
18 paragraph.

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

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

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

29 “(7)(a) The department may retain a record of the information obtained
30 during a request for a criminal history record check for no more than five

1 years[, *except for the information provided to the dealer under subsection (2)(d)*
2 *of this section, sufficient to reflect each firearm or unfinished frame or receiver*
3 *purchased by a permit holder, which must be attached to the electronic record*
4 *of the permit stored by the department. The department may develop a system*
5 *for removal of the information in subsection (2)(d)(E) of this section, upon*
6 *proof of sale or transfer of the firearm or unfinished frame or receiver to an-*
7 *other permit holder and for recording of the information to reflect the transfer*
8 *of ownership to the permit of the new owner*].

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

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

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

24 “(e) If the department determines that the purchaser is prohibited from
25 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
26 department shall report the attempted transfer to the court that issued the
27 order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(A) Requests the criminal background check as described in this section
23 [*and also provided that the dealer*];

24 “(B) **Receives a unique approval number from the department indi-**
25 **cating successful completion of the criminal background check; and**

26 “(C) **For transfers occurring on or after July 1, 2026,** verifies that the
27 recipient has a valid [*permit-to-purchase*] **permit to purchase** the firearm
28 or unfinished frame or receiver. [*and the dealer has received a unique ap-*
29 *proval number from the department indicating successful completion of the*
30 *background check.*]

1 “(14)(a) Knowingly selling or delivering a firearm or unfinished frame or
2 receiver to a purchaser or transferee [*who does not have a valid permit-to-*
3 *purchase a firearm in violation of subsection (2)(d) of this section, or*] prior
4 to receiving a unique approval number from the department based on the
5 criminal background check in violation of subsection (3)(c) of this section[,]
6 is a Class A misdemeanor.

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

14 “**SECTION 7.** ORS 166.435 is amended to read:

15 “166.435. (1) As used in this section:

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

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

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

28 “(C) Under circumstances in which the transferee and the firearm are in
29 the presence of the transferor;

30 “(D) To a transferee who is in the business of repairing firearms, for the

1 time during which the firearm is being repaired;

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

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

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

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

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

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

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

29 “(c) A gun dealer who agrees to complete a transfer of a firearm under
30 this section shall request a criminal history record check on the transferee

1 as described in ORS 166.412 and shall comply with all requirements of federal
2 law.

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

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

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

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

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

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

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

27 “(c) The transfer of a firearm to:

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

29 “(B) A transferor’s parent or stepparent;

30 “(C) A transferor’s child or stepchild;

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

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

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

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

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

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

21 **“SECTION 8.** ORS 166.436 is amended to read:

22 “166.436. (1) The Department of State Police shall make the telephone
23 number established under ORS 166.412 (5) available for requests for criminal
24 background checks under this section from persons who are not gun dealers
25 and who are transferring firearms at gun shows.

26 “(2) Prior to transferring a firearm at a gun show, a transferor who is
27 not a gun dealer shall by telephone **request that the department conduct**
28 **a criminal background check on the recipient, verify, for transfers oc-**
29 **curring on or after July 1, 2026,** that the transferee has a valid [*permit-*
30 *to-purchase*] **permit to purchase** a firearm under ORS 166.505, and [*request*

1 *that the department conduct a criminal background check on the recipient upon*
2 *providing]* **provide** the following information to the department:

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

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

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

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

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

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

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

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

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

28 “(b) If the department is unable to determine whether the recipient is
29 qualified for or disqualified from completing the transfer within 30 minutes
30 of receiving the request, the department shall notify the transferor and pro-

1 vide the transferor with an estimate of the time when the department will
2 provide the requested information.

3 “(c) The transferor may not transfer the firearm unless the transferor
4 receives a unique approval number from the department and, within 48 hours
5 of the completed transfer, the transferor shall notify the [state] **department**
6 that the transfer [to the permit holder] was completed.

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

10 “(5)(a) The department may retain a record of the information obtained
11 during a request for a criminal background check under this section for the
12 period of time provided in ORS 166.412 (7)[, as amended by section 6, chapter
13 1, Oregon Laws 2023].

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

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

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

29 “(e) If the department determines that the recipient is prohibited from
30 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the

1 department shall report the attempted transfer to the court that issued the
2 order.

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

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

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

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

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

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

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

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

30 “(6) The recipient of the firearm must be present when the transferor re-

1 quests a criminal background check under this section.

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

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

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

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

17 “**SECTION 9.** ORS 166.438 is amended to read:

18 “166.438. (1) A transferor who is not a gun dealer may not transfer a
19 firearm at a gun show unless the transferor:

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

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

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

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

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

29 “(2) The transferor shall retain the completed form referred to in sub-
30 section (1) of this section for at least five years and shall make the completed

1 form available to law enforcement agencies for the purpose of criminal in-
2 vestigations.

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

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

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

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

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

18 **“SECTION 10. Nothing in the amendments to ORS 166.412, 166.435,**
19 **166.436 or 166.438 by sections 6 to 9 of this 2025 Act is intended to delay**
20 **or prevent the development of the process for issuing permits to pur-**
21 **chase firearms under ORS 166.503, 166.505 and 166.508.**

22

23 “LARGE-CAPACITY MAGAZINES

24

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

26 “166.355. (1) As used in this section:

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

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

1 a firearm.

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

5 “(d) ‘Large-capacity magazine’ means a fixed or detachable magazine, belt,
6 drum, feed strip, helical feeding device, or similar device, including any such
7 device joined or coupled with another in any manner, or a kit with such
8 parts, that has an overall capacity of, or that can be readily restored,
9 changed[,] or converted to accept, more than 10 rounds of ammunition and
10 allows a shooter to keep firing without having to pause to reload, but does
11 not include any of the following:

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

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

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

19 “(e) ‘**Law enforcement agency**’ means **county sheriffs, municipal**
20 **police departments, police departments established by a university**
21 **under ORS 352.121 or 353.125, a county community corrections agency,**
22 **the Department of State Police, the Department of Corrections, the**
23 **Department of Justice or the Department of Public Safety Standards**
24 **and Training.**

25 “[e] (f) ‘Loaded’ has the meaning given that term in ORS 166.360.

26 “(g) ‘**Parole and probation officer**’ has the meaning given that term
27 **in ORS 181A.355.**

28 “(h) ‘**Peace officer**’ has the meaning given that term in ORS 133.005.

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

1 **“(j) ‘Qualified retired law enforcement officer’ has the meaning**
2 **given that term in 18 U.S.C. 926C.**

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

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

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

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

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

18 “[(C) *Permanently alters any large-capacity magazine in the gun dealer’s*
19 *inventory or custody so that it is not capable, upon alteration or in the future,*
20 *of accepting more than 10 rounds of ammunition or permanently alter the*
21 *magazine so it is no longer a; or]*

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

24 “[(b) *A firearms manufacturer, properly licensed under federal, state and*
25 *local law, that is a party to a contract, in existence and binding on December*
26 *8, 2022, with an entity outside of this state, for the manufacture of large-*
27 *capacity magazines, provided that:*]

28 “[(A) *All manufacturing is completed no later than 180 days after December*
29 *8, 2022; and]*

30 “[(B) *The entity outside of Oregon receiving the large-capacity magazines*

1 *is made aware in writing on or before the delivery of the ammunition devices*
2 *of the restrictions pertaining to large-capacity magazines in this state as set*
3 *forth in chapter 1, Oregon Laws 2023.]*

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

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

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

10 “(B) Any large-capacity magazine, permitted to be manufactured under
11 paragraph (a)(A) of this subsection after December 8, 2022, shall include a
12 permanent stamp or marking indicating that the large-capacity magazine was
13 manufactured or assembled after December 8, 2022. The stamp or marking
14 must be legibly and conspicuously engraved or cast upon the outer surface
15 of the large-capacity magazine. The Department **of State Police** may
16 promulgate such rules as may be necessary for the implementation of this
17 section, including but not limited to rules requiring such large-capacity
18 magazine be stamped with information indicating the limitation for use only
19 by military and law enforcement or such other identification to distinguish
20 clearly large-capacity magazines manufactured after December 8, 2022. [*Ex-*
21 *cept as provided in subsection (3)(b) of this section,*] No large-capacity maga-
22 zines without such stamp may be manufactured in this state after December
23 8, 2022.

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

29 “(c) Any government officer, agent or employee, member of the Armed
30 Forces of the United States or peace officer, [*as that term is defined in ORS*

1 133.005, that] **who** is authorized to acquire, possess or use a large-capacity
2 magazine provided that any acquisition, possession or use is related
3 [*directly*] to activities within the scope of that person’s official duties.

4 “(d) **A peace officer, a parole and probation officer or a retired**
5 **peace officer or parole and probation officer who is a qualified retired**
6 **law enforcement officer, who acquires, possesses or uses a large-**
7 **capacity magazine, regardless of whether the acquisition, possession**
8 **or use is related to activities within the scope of the person’s official**
9 **duties or occurs while the person is off duty or after the person’s re-**
10 **tirement.**

11 “(e) **The importation, possession, use, purchase or transfer of a**
12 **large-capacity magazine by a law enforcement agency for official use**
13 **by the agency.**

14 “[5] (4) [*As of December 8, 2022, it shall be*] **It is** an affirmative defense,
15 as provided in ORS [166.055] **161.055**, to the unlawful possession, use and
16 transfer of a large-capacity magazine in this state by any person[, *provided*]
17 that:

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

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

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

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

29 “[B] (ii) On the premises of a gun dealer or gunsmith licensed under 18
30 U.S.C. 923 for the purpose of lawful service or repair;

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

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

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

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

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

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

28 “(2) **If an injunction prohibiting the enforcement of ORS 166.355 is**
29 **reversed or vacated by an appellate court, ORS 166.355 (2) does not**
30 **apply to the following conduct occurring within 180 days after the date**

1 of the appellate judgment reversing or vacating the injunction:

2 “(a) A licensed gun dealer who:

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

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

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

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

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

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

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

26

27 “TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026

28

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

1 “166.412. (1) As used in this section:
2 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;
3 “(b) ‘Department’ means the Department of State Police;
4 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except
5 that it does not include an antique firearm;
6 “(d) ‘Firearms transaction record’ means the firearms transaction record
7 required by 18 U.S.C. 921 to 929;
8 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the
9 department under subsection (11) of this section;
10 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
11 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
12 the person is a retail dealer, pawnbroker or otherwise;
13 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a
14 firearm or unfinished frame or receiver from a gun dealer; and
15 “(h) ‘Unfinished frame or receiver’ has the meaning given that term in
16 ORS 166.210.
17 “(2) Except as provided in subsection (12) of this section, a gun dealer
18 shall comply with the following before a firearm or unfinished frame or re-
19 ceiver is delivered to a purchaser:
20 “(a) The purchaser shall present to the gun dealer current identification
21 meeting the requirements of subsection (4) of this section and, [*for transfers*
22 *occurring on or after July 1, 2026*] **unless the exception described in sub-**
23 **section (15) of this section applies**, a valid permit issued under ORS
24 166.505.
25 “(b) The gun dealer shall complete the firearms transaction record and
26 obtain the signature of the purchaser on the record.
27 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the
28 firearms transaction thumbprint form and attach the form to the gun dealer’s
29 copy of the firearms transaction record to be filed with that copy.
30 “(d) The gun dealer shall, by telephone or computer, request that the de-

1 department conduct a criminal background check on the purchaser, verify, [*for*
2 *transfers occurring on or after July 1, 2026*] **unless the exception described**
3 **in subsection (15) of this section applies**, that the purchaser has a valid
4 permit to purchase a firearm issued under ORS 166.505, and provide the fol-
5 lowing information to the department:

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

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

8 “(C) The place of transfer;

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

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

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

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

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

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

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

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

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

29 “(B) Notify the gun dealer when a purchaser is disqualified from com-
30 pleting the transfer or provide the gun dealer with a unique approval number

1 indicating that the purchaser is qualified to complete the transfer.

2 “(b) If the department is unable to determine within 30 minutes if the
3 purchaser is qualified or disqualified from completing the transfer, the de-
4 partment shall notify the gun dealer and provide the gun dealer with an es-
5 timate of the time when the department will provide the requested
6 information.

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

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

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

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

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

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

29 “(5) The department shall establish a telephone number that shall be op-
30 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the

1 purpose of responding to inquiries from gun dealers for a criminal history
2 record check under this section.

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

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

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

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

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

1 viction occurred.

2 “(e) If the department determines that the purchaser is prohibited from
3 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
4 department shall report the attempted transfer to the court that issued the
5 order.

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

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

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

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

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

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

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

30 “(D) The number of criminal charges arising from the reports made pur-

1 suant to paragraph (c) of this subsection and the disposition of the charges,
2 both arranged by category of prohibition.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(C) [*For transfers occurring on or after July 1, 2026*] **Unless the excep-**
4 **tion described in subsection (15) of this section applies**, verifies that the
5 recipient has a valid permit to purchase the firearm or unfinished frame or
6 receiver.

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

11 “[*(b)*] **(14)** [*For transfers occurring on or after July 1, 2026,*] Knowingly
12 selling or delivering a firearm or unfinished frame or receiver to a purchaser
13 or transferee who does not have a valid permit to purchase a firearm **or**
14 **unfinished frame or receiver** in violation of subsection (2)(d) of this sec-
15 tion **and does not qualify for the exception described in subsection (15)**
16 **of this section**, or prior to receiving a unique approval number from the
17 department based on the criminal background check in violation of sub-
18 section (3)(c) of this section, is a Class A misdemeanor.

19 “**(15) A valid permit to purchase a firearm issued under ORS 166.505**
20 **is not required for a firearm or unfinished frame or receiver purchase**
21 **from a gun dealer under this section if the purchaser is a peace officer**
22 **as defined in ORS 133.005, a parole and probation officer as defined in**
23 **ORS 181A.355 or a retired peace officer or parole and probation officer**
24 **who is a qualified retired law enforcement officer as defined in 18**
25 **U.S.C. 926C.**

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

28 “166.435. (1) As used in this section:

29 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
30 transferee, including, but not limited to, the sale, gift, loan or lease of the

1 firearm. 'Transfer' does not include the temporary provision of a firearm to
2 a transferee if the transferor has no reason to believe the transferee is pro-
3 hibited from possessing a firearm or intends to use the firearm in the com-
4 mission of a crime, and the provision occurs:

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

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

11 “(C) Under circumstances in which the transferee and the firearm are in
12 the presence of the transferor;

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

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

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

21 “(b) 'Transferee' means a person who is not a gun dealer or licensed as
22 a manufacturer or importer under 18 U.S.C. 923 and who intends to receive
23 a firearm from a transferor.

24 “(c) 'Transferor' means a person who is not a gun dealer or licensed as
25 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
26 a firearm to a transferee.

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

1 “(3)(a) A transferor may transfer a firearm to a transferee only as pro-
2 vided in this section. Except as provided in paragraph (b) of this subsection,
3 prior to the transfer both the transferor and the transferee must appear in
4 person before a gun dealer, with the firearm and, [*for transfers occurring on*
5 *or after July 1, 2026*] **unless the exception described in subsection (6) of**
6 **this section applies**, a valid permit-to-purchase issued to the transferee un-
7 der ORS 166.505, and request that the gun dealer perform a criminal back-
8 ground check on the transferee.

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

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

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

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

22 “(B) Receives notification that the transferee is prohibited by state or
23 federal law from possessing or receiving the firearm or that the department
24 is unable to determine if the transferee is qualified or disqualified from
25 completing the transfer, the gun dealer shall notify the transferor and nei-
26 ther the transferor nor the gun dealer shall transfer the firearm to the
27 transferee. If the transferor shipped or delivered the firearm to the gun
28 dealer pursuant to paragraph (b) of this subsection, the gun dealer shall
29 comply with federal law when returning the firearm to the transferor.

30 “(e) A gun dealer may charge a reasonable fee for facilitating a firearm

1 transfer pursuant to this section.

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

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

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

11 “(c) The transfer of a firearm to:

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

13 “(B) A transferor’s parent or stepparent;

14 “(C) A transferor’s child or stepchild;

15 “(D) A transferor’s sibling;

16 “(E) A transferor’s grandparent;

17 “(F) A transferor’s grandchild;

18 “(G) A transferor’s aunt or uncle;

19 “(H) A transferor’s first cousin;

20 “(I) A transferor’s niece or nephew; or

21 “(J) The spouse or domestic partner of a person specified in subpara-
22 graphs (B) to (I) of this paragraph.

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

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

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

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

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

5 “(6) **A valid permit to purchase a firearm issued under ORS 166.505**
6 **is not required for a firearm transfer under this section if the**
7 **transferee is a peace officer as defined in ORS 133.005, a parole and**
8 **probation officer as defined in ORS 181A.355 or a retired peace officer**
9 **or parole and probation officer who is a qualified retired law enforce-**
10 **ment officer as defined in 18 U.S.C. 926C.**

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

13 “166.436. (1) The Department of State Police shall make the telephone
14 number established under ORS 166.412 (5) available for requests for criminal
15 background checks under this section from persons who are not gun dealers
16 and who are transferring firearms at gun shows.

17 “(2) Prior to transferring a firearm at a gun show, a transferor who is
18 not a gun dealer shall by telephone request that the department conduct a
19 criminal background check on the recipient, verify, [*for transfers occurring*
20 *on or after July 1, 2026*] **unless the exception described in ORS 166.438 (7)**
21 **applies**, that the transferee has a valid permit to purchase a firearm under
22 ORS 166.505, and provide the following information to the department:

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

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

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

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

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

30 “(f) The type, issuer and identification number of a current piece of

1 identification bearing a recent photograph of the recipient presented by the
2 recipient. The identification presented by the recipient must meet the re-
3 quirements of ORS 166.412 (4)(a).

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

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

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

18 “(b) If the department is unable to determine whether the recipient is
19 qualified for or disqualified from completing the transfer within 30 minutes
20 of receiving the request, the department shall notify the transferor and pro-
21 vide the transferor with an estimate of the time when the department will
22 provide the requested information.

23 “(c) The transferor may not transfer the firearm unless the transferor
24 receives a unique approval number from the department and, within 48 hours
25 of the completed transfer, the transferor shall notify the department that the
26 transfer was completed.

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

30 “(5)(a) The department may retain a record of the information obtained

1 during a request for a criminal background check under this section for the
2 period of time provided in ORS 166.412 (7).

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

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

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

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

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

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

29 “(h) On or before January 31 of each year, a law enforcement agency or
30 a prosecuting attorney’s office that received a report pursuant to paragraph

1 (c) of this subsection during the previous calendar year shall inform the de-
2 partment of any action that was taken concerning the report and the out-
3 come of the action.

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

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

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

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

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

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

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

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

1 “(A) If the transferor knows, or reasonably should know, that the recipi-
2 ent of the firearm intends to deliver the firearm to a third person who the
3 transferor knows, or reasonably should know, may not lawfully possess the
4 firearm; or

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

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

8 “166.438. (1) A transferor who is not a gun dealer may not transfer a
9 firearm at a gun show unless the transferor:

10 “(a)(A) [*For transfers occurring on or after July 1, 2026,*] Verifies with the
11 Department of State Police that the recipient has a valid permit-to-purchase
12 issued under ORS 166.505, **unless the exception described in subsection**
13 **(7) of this section applies;**

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

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

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

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

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

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

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

30 “(5)(a) Failure to comply with the requirements of subsection (1), (2) or

1 (3) of this section is a Class A misdemeanor.

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

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

9 “(7) **A valid permit to purchase a firearm issued under ORS 166.505**
10 **is not required for a firearm transfer under this section if the recipient**
11 **is a peace officer as defined in ORS 133.005, a parole and probation**
12 **officer as defined in ORS 181A.355 or a retired peace officer or parole**
13 **and probation officer who is a qualified retired law enforcement officer**
14 **as defined in 18 U.S.C. 926C.**

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

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

21

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

23

24 “**SECTION 17.** Section 13, chapter 1, Oregon Laws 2023 (Ballot Measure
25 114 (2022)), is amended to read:

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

1 **“CHALLENGE TO LEGALITY OF ACT**

2
3 **“SECTION 18. (1) Any action brought in state court challenging the**
4 **legality, including the constitutionality, of this 2025 Act must be**
5 **commenced in the Circuit Court for Marion County.**

6 **“(2) The plaintiff in an action described in this section must serve**
7 **a copy of the complaint on the Attorney General.**

8
9 **“CAPTIONS**

10
11 **“SECTION 19. The unit captions used in this 2025 Act are provided**
12 **only for the convenience of the reader and do not become part of the**
13 **statutory law of this state or express any legislative intent in the**
14 **enactment of this 2025 Act.**

15
16 **“EMERGENCY CLAUSE**

17
18 **“SECTION 20. This 2025 Act being necessary for the immediate**
19 **preservation of the public peace, health and safety, an emergency is**
20 **declared to exist, and this 2025 Act takes effect on its passage.”.**

21
