

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 473**

1 On page 1 of the printed A-engrossed bill, line 2, after the first semicolon
2 delete the rest of the line and insert “amending ORS 166.255 and 166.259; and
3 declaring an emergency.”.

4 Delete lines 4 through 25 and delete page 2 and insert:

5 **“SECTION 1.** ORS 166.255 is amended to read:

6 “166.255. (1) It is unlawful for a person to knowingly possess a firearm
7 or ammunition if:

8 “(a) The person is the subject of a court order that:

9 “(A)(i) Was issued or continued after a hearing for which the person had
10 actual notice and during the course of which the person had an opportunity
11 to be heard; or

12 “(ii) Was issued, continued or remains in effect, by order or operation of
13 law, after the person received notice of the opportunity to request a hearing
14 in which to be heard on the order, and either requested a hearing but did
15 not attend the hearing or withdrew the request before the hearing occurred,
16 or did not request a hearing during the time period in which the opportunity
17 was available;

18 “(B) Restrains the person from stalking, intimidating, molesting or men-
19 acing a family or household member of the person, a child of a family or
20 household member of the person or a child of the person; and

21 “(C) Includes a finding that the person represents a credible threat to the

1 physical safety of a family or household member of the person, a child of a
2 family or household member of the person or a child of the person;

3 “(b) The person has been convicted of a qualifying misdemeanor and, at
4 the time of the offense, the person was:

5 “(A) A family or household member of the victim of the offense; or

6 “(B) A parent or guardian of the victim of the offense; [or]

7 “(c) The person has been convicted of stalking under ORS 163.732[.]; or

8 **“(d) The person has been convicted of menacing under ORS 163.190,**
9 **and the victim of the offense was a public official at the time of the**
10 **offense.**

11 “(2) The prohibition described in subsection (1)(a) of this section does not
12 apply with respect to the transportation, shipment, receipt, possession or
13 importation of any firearm or ammunition imported for, sold or shipped to
14 or issued for the use of the United States Government or any federal de-
15 partment or agency, or any state or department, agency or political subdivi-
16 sion of a state.

17 “(3) As used in this section:

18 “(a) ‘Convicted’ means:

19 “(A) The person was represented by counsel or knowingly and
20 intelligently waived the right to counsel;

21 “(B) The case was tried to a jury, if the crime was one for which the
22 person was entitled to a jury trial, or the person knowingly and intelligently
23 waived the person’s right to a jury trial; and

24 “(C) The conviction has not been set aside or expunged, and the person
25 has not been pardoned.

26 “(b) ‘Deadly weapon’ has the meaning given that term in ORS 161.015.

27 “(c) ‘Family or household member’ has the meaning given that term in
28 ORS 135.230.

29 “(d) ‘Possess’ has the meaning given that term in ORS 161.015.

30 **“(e) ‘Public official’ means:**

1 **(A) A person who is elected or appointed, or who has filed the re-**
2 **quired documents for nomination or election, to an office established,**
3 **and the qualifications and duties of which are prescribed, by statute**
4 **or the Oregon Constitution to perform a public duty for the state or**
5 **any political subdivision of the state; and**

6 **“(B) An assistant or deputy district attorney, a person serving as**
7 **a prosecutor for a city or county, an assistant attorney general, an**
8 **administrative law judge and a judge serving upon appointment as a**
9 **senior judge or a judge pro tempore.**

10 **“[(e)] (f) ‘Qualifying misdemeanor’ means a misdemeanor that has, as an**
11 **element of the offense, the use or attempted use of physical force or the**
12 **threatened use of a deadly weapon.**

13 **“SECTION 2. ORS 166.259 is amended to read:**

14 **“166.259. (1) When a person is convicted of an offense described in ORS**
15 **166.255 (1)(b), [or] (c) or (d), the court shall, at the time of conviction:**

16 **“(a) Indicate in the judgment of conviction that the person is prohibited**
17 **from possessing firearms and ammunition under ORS 166.250 and 166.255;**

18 **“(b) Inform the person, orally and in writing, that the person is prohibited**
19 **from possessing firearms and ammunition;**

20 **“(c) Order in writing that the person transfer all firearms and ammuni-**
21 **tion in the person’s possession in accordance with subsection (2) of this**
22 **section; and**

23 **“(d) Order that the person file a declaration as described in subsection (4)**
24 **of this section.**

25 **“(2)(a) Within 24 hours of the court’s order under subsection (1) of this**
26 **section, the person shall transfer all firearms and ammunition in the person’s**
27 **possession to a local law enforcement agency, to a gun dealer as defined in**
28 **ORS 166.412 or to a third party who does not reside with the person, and**
29 **shall obtain a proof of transfer under paragraph (b) of this subsection. A**
30 **transfer to a third party under this subsection must be in accordance with**

1 ORS 166.435, except that the criminal background check exceptions in ORS
2 166.435 (4) do not apply.

3 “(b) A law enforcement agency, gun dealer or third party receiving a
4 firearm or ammunition pursuant to this subsection shall issue to the person
5 a written proof of transfer. The proof of transfer must include the person’s
6 name, the date of transfer and the serial number, make and model of each
7 transferred firearm. A proof of transfer issued by a third party must also
8 include the unique approval number from the Department of State Police
9 from the criminal background check conducted under ORS 166.435.

10 “(c) A person transferring a firearm or ammunition to a third party under
11 this subsection shall additionally obtain from the third party a declaration
12 under penalty of perjury confirming receipt of the firearm or ammunition and
13 attesting that:

14 “(A) The third party understands that the person is prohibited from pos-
15 sessing firearms and ammunition; and

16 “(B) The third party is subject to criminal penalties if the third party
17 allows the person access to the firearm or ammunition during the prohibi-
18 tion.

19 “(3)(a) A law enforcement agency may accept a firearm or ammunition
20 transferred under this section.

21 “(b) A gun dealer may purchase or may accept for storage a firearm or
22 ammunition transferred under this section.

23 “(4)(a) Within two judicial days of the court’s order under subsection (1)
24 of this section, the person shall file with the court a declaration under pen-
25 alty of perjury attesting that:

26 “(A) All firearms and ammunition in the person’s possession have been
27 transferred under subsection (2) of this section to:

28 “(i) A law enforcement agency;

29 “(ii) A gun dealer; or

30 “(iii) A third party;

1 “(B) The person was not in possession of any firearms at the time of the
2 court’s order and continues to not possess any firearms; or

3 “(C) The person is asserting the person’s constitutional right against
4 self-incrimination.

5 “(b) The person shall file with the declaration a copy of the proof of
6 transfer, if applicable, and a copy of the third party declaration, if applica-
7 ble.

8 “(5) The person shall concurrently file with the district attorney copies
9 of the declaration, proof of transfer and third party declaration filed with
10 the court under subsection (4) of this section.

11 “(6) A person in possession of a firearm or ammunition in violation of
12 ORS 166.255 (1)(b), [*or*] (c) **or (d)** may not be prosecuted under ORS 166.250
13 if:

14 “(a) The person is in possession of a court order described in subsection
15 (1) of this section issued within the previous 24 hours;

16 “(b) The firearm is unloaded; and

17 “(c) The person is transporting the firearm or ammunition to a law
18 enforcement agency, gun dealer or third party for transfer in accordance
19 with subsection (2) of this section.

20 “(7) If the person does not file the declaration required under subsection
21 (4) of this section, the district attorney may commence contempt proceedings
22 under ORS 33.015 to 33.155.

23 **“SECTION 3. This 2025 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2025 Act takes effect on its passage.”.**

26