

House Bill 3075

Sponsored by Representative KROPF (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the gun permit and transfer process. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 79.3).

Modifies the firearm permit provisions of Ballot Measure 114 (2022). Specifies where a person may apply for a permit to purchase a firearm and adds an eligibility requirement. Provides that information obtained during the application process and during the criminal background check and maintained within the database of permit holders is exempt from disclosure as a public record. Extends the time, from 30 to 60 days from receipt of the application, by which a permit agent must issue a permit to a qualified applicant or mail reasons for a denial in writing to the applicant. Increases the maximum fee that may be charged for an initial application for and renewal of a permit. Specifies the portion of the fee payable to the Department of State Police for conducting a criminal background check. Establishes alternatives to a firearms training course or class that may be used to satisfy the requirement of proof of completion of a firearm safety course for the permit. Provides that permits are not required for firearm transfers until July 1, 2026. Establishes a temporary exception to the permit requirement for the transfer of certain firearms until July 1, 2028. Establishes a permanent exception to the permit requirement for active duty law enforcement and military.

Modifies the affirmative defense language for the large capacity magazine provisions of Ballot Measure 114 (2022).

Provides that a challenge to legality of the Act must be commenced in the Circuit Court for Marion County.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to firearms; creating new provisions; amending ORS 166.355, 166.412, 166.435, 166.436, 166.438, 166.500, 166.503, 166.505 and 166.508 and section 13, chapter 1, Oregon Laws 2023; repealing sections 1 and 10, chapter 1, Oregon Laws 2023; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

PERMITTING PROCESS

SECTION 1. (1) **Section 1, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is repealed.**

(2) Section 10, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is repealed.

SECTION 2. ORS 166.500 is amended to read:

166.500. *[The People of the State of Oregon find and declare that regulation of sale, purchase and otherwise transferring of all firearms and restriction of the manufacture, import, sale, purchase, transfer, use and possession of ammunition magazines to those that hold no more than 10 rounds will promote the public health and safety of the residents of this state and]* Chapter 1, Oregon Laws 2023, shall be known as the Reduction of Gun Violence Act.

SECTION 3. ORS 166.503 is amended to read:

166.503. As used in this section and ORS *[166.412, 166.435, 166.436, 166.438,]* 166.505 and 166.508:

(1) "Criminal background check" has the *[same meaning given to this]* **meaning given that** term

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 in ORS 166.432 [(1)(a) to (e)].

2 (2) “Department” means the Department of State Police.

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

6 (4) “Permit” or “permit-to-purchase” means an authorization issued **under ORS 166.505** to a
7 person to purchase or acquire a firearm, provided all other requirements at the time of purchase
8 or acquisition are met.

9 (5) “Permit agent” means a county sheriff or police chief with jurisdiction over the residence
10 of the person making an application for a permit-to-purchase[, or their designees].

11 (6) “Transfer” has the meaning given that term in ORS 166.435 [(1)(a)].

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

14 **SECTION 4.** ORS 166.505 is amended to read:

15 166.505. (1)(a) A person may apply for a [permit-to-purchase] **permit to purchase or otherwise**
16 **acquire** a firearm or firearms under this section to [the police chief or county sheriff with jurisdiction
17 over the residence of the person making the application, or their designees, hereinafter referred to as
18 “permit agent.”] **a permit agent, as follows:**

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

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

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

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

27 **(B) Has not, within the previous four years, been convicted of or been found guilty except**
28 **for insanity of a misdemeanor involving violence as defined in ORS 166.470;**

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

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

32 [(C)] **(E)** Does not present reasonable grounds for a permit agent to conclude that the applicant
33 has been or is reasonably likely to be a danger to self or others, or to the community at large, as
34 a result of the applicant’s mental or psychological state or as demonstrated by the applicant’s past
35 pattern of behavior involving unlawful violence or threats of unlawful violence;

36 [(D)] **(F)** Provides proof of completion of a firearm safety course as defined in subsection (8) of
37 this section; and

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

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

43 (d) The permit agent shall verify the applicant’s identity with a government-issued form of
44 identification bearing a photograph of the applicant. **Immediately upon acceptance of the appli-**
45 **cation, the permit agent shall enter the applicant’s name into the Law Enforcement Data**

1 **System and indicate that the person is an applicant for a permit.**

2 (e) The applicant must submit to fingerprinting and photographing by the permit agent. The
 3 permit agent shall fingerprint and photograph the applicant and shall conduct *[any]* **an** investigation
 4 necessary to determine whether the applicant meets the qualifications described in paragraph (b)
 5 of this subsection.

6 (f) The permit agent shall request the department to conduct a criminal background check, in-
 7 cluding but not limited to a fingerprint identification, **first through state databases and then**
 8 through the Federal Bureau of Investigation. The **department shall ensure that the** Federal Bu-
 9 reau of Investigation *[shall return]* **returns** the fingerprint cards used to conduct the criminal
 10 background check and *[may]* **does** not keep any record of the fingerprints. Upon completion of the
 11 criminal background check and determination of whether the permit applicant is qualified or dis-
 12 qualified from **possessing**, purchasing or otherwise acquiring a firearm the department shall report
 13 the results¹*[, including the outcome of the fingerprint-based criminal background check,]* **in writing** to
 14 the permit agent. **The results shall consist of an indication that either the applicant is quali-**
 15 **fied or that the applicant is disqualified and the reason for the disqualification, and the out-**
 16 **come of the fingerprint-based criminal background check.**

17 (g) **The record of information obtained during the permit application process or during**
 18 **a request for a criminal background check by a permit agent is exempt from disclosure as**
 19 **a public record under ORS 192.311 to 192.478.**

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

21 (A) *[A purchaser]* **An applicant** is prohibited from possessing a firearm under ORS 166.250 (1)(c),
 22 the department shall report the attempted application for a permit, the *[purchaser's]* **applicant's**
 23 name and any other personally identifiable information to all federal, state and local law enforce-
 24 ment agencies and district attorneys that have jurisdiction over the location or locations where the
 25 attempted application for a permit was made and where the permit applicant resides.

26 (B) Based on the judgment of conviction, the permit applicant is prohibited from possessing a
 27 firearm as a condition of probation or that the permit applicant is currently on post-prison super-
 28 vision or parole, the department shall report the attempted application for a permit to the permit
 29 applicant's supervising officer and the district attorney of the county in which the conviction oc-
 30 curred.

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

34 (D) The permit applicant is under the jurisdiction of the Psychiatric Security Review Board, the
 35 department shall report the attempted application for a permit to the board.

36 (b) Reports required by paragraph *[(a)(A) to (D)]* (a) of this subsection shall be made within 24
 37 hours after the determination is made, unless a report would compromise an ongoing investigation,
 38 in which case the report may be delayed as long as necessary to avoid compromising the investi-
 39 gation.

40 (c) On or before January 31 of each year, beginning in 2024, the department shall annually
 41 publish a report indicating for each county the number of applications made to any permit agent,
 42 the number of permits-to-purchase issued and the number of permits-to-purchase denied and the
 43 reasons for denial. *[The department may, by rule, include any additional information that it determines*
 44 *would be helpful to ensuring the permit-to-purchase process is being administered in a consistent and*
 45 *equitable manner.]* **The report shall additionally specify, for each county, racial and gender in-**

1 **formation concerning each applicant within the total number of permits granted and denied**
 2 **and the reason for denial to support the consistent and equitable administration of the per-**
 3 **mitting process. The report may not include any information that personally identifies an**
 4 **individual applicant. The department may adopt rules relating to the information needed**
 5 **from permit agents for the purposes of creating the annual report.**

6 (3)(a) Within [30] **60** days of receiving an application for a permit under this section, if the per-
 7 mit agent has verified the applicant's identity and determined that the applicant has met each of the
 8 qualifications described in subsection (1)(b) of this section, the permit agent shall issue the permit-
 9 to-purchase.

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

15 (4)(a) The department shall develop:

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

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

18 (b) The issuing permit agent shall:

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

21 **(B) Maintain a copy of each permit issued under this section.**

22 (c) The person named in a permit shall:

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

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

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

31 (b) The department shall maintain the electronic database described in paragraph (a) of this
 32 subsection by ensuring that new permits are added to the database, renewed permits are assigned
 33 a new expiration date[,] and expired or revoked permits are marked expired or revoked but retained
 34 in the database.

35 **(c) The record of information obtained during the permit application process provided to**
 36 **the department or during the processing of a criminal background check by the department,**
 37 **and the information contained in the database described in this subsection, is exempt from**
 38 **disclosure as a public record under ORS 192.311 to 192.478.**

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

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

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

45 (b) A person may renew an unexpired permit issued under this section by repeating the proce-

dures set forth in subsection (1) of this section, except:

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

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

(c) The permit agent may charge a reasonable fee for renewal of the permit, reflecting the actual cost of the process but shall not exceed ~~[\$50]~~ **\$110**, including the cost of obtaining a criminal background check and photographing. **The portion of the fee payable to the department for conducting the state and federal criminal background check shall be established by the department and may not exceed \$48.**

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

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

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

(B) Proof of completion of a training course or class for a concealed handgun license issued under ORS 166.291 and 166.292, provided that the course includes all of the components described in paragraph (b) of this subsection;

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

(D) Certification as an instructor approved by the National Rifle Association;

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

(F) Current certification as an armed private security professional under ORS 181A.840 to 181A.918.

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

(A) Review of federal and state laws in place at the time of the class and other safe practices related to ownership, purchase, transfer, use and transportation of firearms;

(B) Review of federal and state safe storage laws in place at the time of the class and other safe practices related to safe storage, including reporting lost and stolen guns;

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

(D) In-person demonstration of the applicant’s ability to lock, load, unload, fire and store a firearm before an instructor [certified] **approved** by a law enforcement agency. This requirement may be met separately from the other course requirements in subparagraphs (A), (B) and (C) of this paragraph, which may be completed in an online course, provided the online course has been con-

1 ducted by *[a trainer certified by law enforcement]* **an instructor approved by a law enforcement**
 2 **agency.**

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

6 *[(d) Proof of successful completion of a training course in order to meet the requirements for a*
 7 *concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a permit as a*
 8 *substitute for the requirements in paragraph (c) of this subsection, provided the completed course in-*
 9 *cluded each of the components set forth in paragraph (c) of this subsection.]*

10 **(d)(A) As used in this subsection, “instructor approved by a law enforcement agency”**
 11 **means an instructor who has written certification from an Oregon law enforcement agency**
 12 **to provide firearms training or who is currently approved to provide the firearms training**
 13 **required for an Oregon concealed handgun license under ORS 166.291.**

14 **(B) A law enforcement agency, the political subdivision governing the law enforcement**
 15 **agency and their officers, employees and agents are not civilly liable for the actions or in-**
 16 **actions of an approved trainer if the law enforcement agency acted in good faith providing**
 17 **the approval.**

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

19 **SECTION 5.** ORS 166.508 is amended to read:

20 166.508. (1) If *[the]* **an** application for *[the]* **a** permit-to-purchase is denied, the permit agent shall
 21 set forth in writing the reasons for the denial. The denial shall be placed in the mail to the applicant
 22 by certified mail, restricted delivery, within 30 days after the application was made. If no decision
 23 is issued within *[30]* **60 days and the 60th day occurs on or after January 1, 2026**, the person
 24 may seek review under the procedures **described** in subsection *[(5)]* **(6)** of this section.

25 (2) Notwithstanding ORS 166.505 (1) to (3), and subject to review as provided in subsection
 26 *[(5)]* **(6)** of this section, a permit agent may deny a permit-to-purchase if the permit agent has rea-
 27 sonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self
 28 or others, or to the community at large, as a result of the applicant’s mental or psychological state
 29 or as demonstrated by the applicant’s past pattern of behavior involving unlawful violence or threats
 30 of unlawful violence.

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

33 (b) A permit agent may revoke a permit by serving on the permittee a notice of revocation. The
 34 notice must contain the grounds for the revocation and must be served either personally or by cer-
 35 tified mail, restricted delivery. The notice and return of service shall be included in the file of the
 36 permit holder. The revocation is effective upon the permit holder’s receipt of the notice.

37 **(4) No civil or criminal liability shall attach to a permit agent, the Department of State**
 38 **Police or any authorized representative of a permit agent or the department for receiving,**
 39 **reviewing or conducting an investigation connected with an application for, or the issuance,**
 40 **denial, revocation or refusal to renew, a firearm permit under this section or ORS 166.505,**
 41 **if the action is pursuant to or results from the lawful performance of official duties described**
 42 **in this section and 166.505.**

43 *[(4)]* **(5)** Any peace officer or corrections officer may seize a permit-to-purchase and return it to
 44 the issuing permit agent if the permit is held by a person who has been arrested or cited for a crime
 45 that can or would otherwise disqualify the person from being issued a permit. The issuing permit

1 agent shall hold the permit for 30 days. If the person is not charged with a crime within the 30 days,
 2 the permit agent shall return the permit unless the permit agent revokes the permit as provided in
 3 subsection (3) of this section.

4 [(5)] (6) A person denied a permit-to-purchase or whose permit is revoked or [not renewed] **de-**
 5 **denied renewal** may petition the circuit court in the petitioner’s county of residence to review the
 6 denial[, nonrenewal] or revocation. The petition must be filed within 30 days after the receipt of the
 7 notice of the denial or revocation.

8 [(6)] (7) [The] A judgment affirming or overturning [the] a permit agent’s decision shall be based
 9 on whether the petitioner meets the criteria that are used for issuance of a permit-to-purchase and,
 10 if the petitioner was denied a permit, whether the permit agent has reasonable grounds for denial
 11 under subsection (2) of this section. Whenever the petitioner has been previously sentenced for a
 12 crime under ORS 161.610 [(Enhanced penalty for use of firearm during commission of felony)] or for
 13 a crime of violence for which the person could have received a sentence of more than 10 years, the
 14 court shall grant relief only if the court finds that relief should be granted in the interest of justice.

15 [(7)] (8) Notwithstanding the provisions of ORS 9.320 [(Necessity for employment of attorney)], a
 16 party that is not a natural person, the state or any city, county, district or other political subdivi-
 17 sion or public corporation in this state, without appearance by attorney, may appear as a party to
 18 an action under this section.

19 [(8)] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days
 20 of filing or as soon as practicable thereafter.

21 [(9)] (10) Filing fees for actions **described in this section** shall be as for any civil action filed
 22 in the court. If the petitioner prevails, the amount of the filing fee shall be paid by the respondent
 23 to the petitioner and may be incorporated into the court order.

24 [(10)] (11) Initial appeals of petitions shall be heard de novo.

25 [(11)] (12) Any party to a judgment under this section may appeal to the Court of Appeals in the
 26 same manner as for any other civil action.

27 [(12)] (13) If the governmental entity files an appeal under this section and does not prevail, it
 28 shall be ordered to pay the attorney fees for the prevailing party.

29
 30 **TRANSFERS OCCURRING BEFORE JULY 1, 2026**

31
 32 **SECTION 6.** ORS 166.412 is amended to read:

33 166.412. (1) As used in this section:

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

35 (b) “Department” means the Department of State Police;

36 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include
 37 an antique firearm;

38 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.
 39 921 to 929;

40 (e) “Firearms transaction thumbprint form” means a form provided by the department under
 41 subsection (11) of this section;

42 (f) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
 43 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
 44 otherwise;

45 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm or unfinished

1 frame or receiver from a gun dealer; and

2 (h) “Unfinished frame or receiver” has the meaning given that term in ORS 166.210.

3 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
4 following before a firearm or unfinished frame or receiver is delivered to a purchaser:

5 (a) The purchaser shall present to the gun dealer current identification meeting the require-
6 ments of subsection (4) of this section and, **for transfers occurring on or after July 1, 2026**, a
7 valid permit issued under ORS 166.505.

8 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
9 the purchaser on the record.

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

13 (d) The gun dealer shall, by telephone or computer, **request that the department conduct a**
14 **criminal background check on the purchaser**, verify, **for transfers occurring on or after July**
15 **1, 2026**, that the purchaser has a valid [*permit-to-purchase*] **permit to purchase** a firearm issued
16 under ORS 166.505, and [*request that the department conduct a criminal history record check on the*
17 *purchaser and shall*] provide the following information to the department:

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

19 (B) The business name of the gun dealer;

20 (C) The place of transfer;

21 (D) The name of the person making the transfer;

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

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

25 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
26 number to the gun dealer; and

27 (H) The type, issuer and identification number of the identification presented by the purchaser.

28 (e) The gun dealer shall receive a unique approval number for the transfer from the department
29 and record the approval number on the firearms transaction record and on the firearms transaction
30 thumbprint form.

31 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
32 completion of the firearms transaction thumbprint form.

33 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
34 partment shall immediately, during the gun dealer’s telephone call or by return call:

35 (A) Determine, from criminal records and other information available to it, whether the pur-
36 chaser is disqualified under ORS 166.470 from completing the purchase; and

37 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
38 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
39 complete the transfer.

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

44 (c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer
45 receives a unique approval number from the department. [*and,*] Within 48 hours of completing the

1 transfer, the dealer shall notify the [state] **department** that the transfer [to the permit holder] was
2 completed.

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

5 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
6 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
7 tional governmental organization or an international quasi-governmental organization; and

8 (B) Is intended to be used for identification of an individual or is commonly accepted for the
9 purpose of identification of an individual.

10 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
11 not include the current address of the purchaser, the purchaser shall present a second piece of
12 current identification that contains the current address of the purchaser. The Superintendent of
13 State Police may specify by rule the type of identification that may be presented under this para-
14 graph.

15 (c) The department may require that the gun dealer verify the identification of the purchaser if
16 that identity is in question by sending the thumbprints of the purchaser to the department.

17 (5) The department shall establish a telephone number that shall be operational seven days a
18 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun
19 dealers for a criminal history record check under this section.

20 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
21 the investigations required by this section provided the employee, official or agency acts in good
22 faith and without malice.

23 (7)(a) The department may retain a record of the information obtained during a request for a
24 criminal history record check for no more than five years[, *except for the information provided to the*
25 *dealer under subsection (2)(d) of this section, sufficient to reflect each firearm or unfinished frame or*
26 *receiver purchased by a permit holder, which must be attached to the electronic record of the permit*
27 *stored by the department. The department may develop a system for removal of the information in*
28 *subsection (2)(d)(E) of this section, upon proof of sale or transfer of the firearm or unfinished frame*
29 *or receiver to another permit holder and for recording of the information to reflect the transfer of*
30 *ownership to the permit of the new owner].*

31 (b) The record of the information obtained during a request for a criminal history record check
32 by a gun dealer is exempt from disclosure under public records law.

33 (c) If the department determines that a purchaser is prohibited from possessing a firearm under
34 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any
35 other personally identifiable information to all federal, state and local law enforcement agencies and
36 district attorneys that have jurisdiction over the location or locations where the attempted transfer
37 was made and where the purchaser resides.

38 (d) If the department determines that, based on the judgment of conviction, the purchaser is
39 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently
40 on post-prison supervision or parole, the department shall report the attempted transfer to the
41 purchaser's supervising officer and the district attorney of the county in which the conviction oc-
42 curred.

43 (e) If the department determines that the purchaser is prohibited from possessing a firearm due
44 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer
45 to the court that issued the order.

1 (f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric
 2 Security Review Board, the department shall report the attempted transfer to the board.

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

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

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

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

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

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

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

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

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

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

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

28 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

29 (c) The provision of a security system to identify gun dealers that request a criminal history
 30 record check under subsection (2) of this section; and

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

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

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

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

39 (b) A gun dealer that requests a criminal background check under this subsection is immune
 40 from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or
 41 transferee, provided that the gun dealer:

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

44 (B) **Receives a unique approval number from the department indicating successful com-**
 45 **pletion of the criminal background check; and**

1 **(C) For transfers occurring on or after July 1, 2026**, verifies that the recipient has a valid
 2 *[permit-to-purchase]* **permit to purchase** the firearm or unfinished frame or receiver. *[and the dealer*
 3 *has received a unique approval number from the department indicating successful completion of the*
 4 *background check.]*

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

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

15 **SECTION 7.** ORS 166.435 is amended to read:

16 166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

42 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except
 43 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the
 44 transferee must appear in person before a gun dealer, with the firearm and, **for transfers occur-**
 45 **ring on or after July 1, 2026**, a valid permit-to-purchase issued to the transferee under ORS

1 166.505, and request that the gun dealer perform a criminal background check on the transferee.

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

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

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

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

12 (B) Receives notification that the transferee is prohibited by state or federal law from possessing
13 or receiving the firearm or that the department is unable to determine if the transferee is qualified
14 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither
15 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor
16 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the
17 gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

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

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

26 (c) The transfer of a firearm to:

27 (A) A transferor's spouse or domestic partner;

28 (B) A transferor's parent or stepparent;

29 (C) A transferor's child or stepchild;

30 (D) A transferor's sibling;

31 (E) A transferor's grandparent;

32 (F) A transferor's grandchild;

33 (G) A transferor's aunt or uncle;

34 (H) A transferor's first cousin;

35 (I) A transferor's niece or nephew; or

36 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-
37 agraph.

38 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided
39 that:

40 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
41 111.005, or a trustee of a trust created in a will; and

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

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

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

4 **SECTION 8.** ORS 166.436 is amended to read:

5 166.436. (1) The Department of State Police shall make the telephone number established under
 6 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
 7 sons who are not gun dealers and who are transferring firearms at gun shows.

8 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by
 9 telephone **request that the department conduct a criminal background check on the recipient,**
 10 **verify, for transfers occurring on or after July 1, 2026,** that the transferee has a valid [*permit-*
 11 *to-purchase*] **permit to purchase** a firearm under ORS 166.505, and [*request that the department*
 12 *conduct a criminal background check on the recipient upon providing*] **provide** the following informa-
 13 tion to the department:

- 14 (a) The name, address and telephone number of the transferor;
- 15 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 16 (c) The name, date of birth, race, sex and address of the recipient;
- 17 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;
- 18 (e) The address of the place where the transfer is occurring; and
- 19 (f) The type, issuer and identification number of a current piece of identification bearing a re-
 20 cent photograph of the recipient presented by the recipient. The identification presented by the re-
 21 cipient must meet the requirements of ORS 166.412 (4)(a).

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

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

27 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide
 28 the transferor with a unique approval number indicating that the recipient is qualified to complete
 29 the transfer. The unique approval number is [*a permit*] **an authorization** valid for 24 hours for the
 30 requested transfer. If the firearm is not transferred from the transferor to the recipient within 24
 31 hours after receipt of the unique approval number, a new request must be made by the transferor.

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

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

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

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

45 (b) The record of the information obtained during a request for a criminal background check

1 under this section is exempt from disclosure under public records law.

2 (c) If the department determines that a recipient is prohibited from possessing a firearm under
 3 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient's name and any
 4 other personally identifiable information to all federal, state and local law enforcement agencies and
 5 district attorneys that have jurisdiction over the location or locations where the attempted transfer
 6 was made and where the recipient resides.

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

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

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

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

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

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

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

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

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

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

34 (6) The recipient of the firearm must be present when the transferor requests a criminal back-
 35 ground check under this section.

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

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

43 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends
 44 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may
 45 not lawfully possess the firearm; or

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

2 **SECTION 9.** ORS 166.438 is amended to read:

3 166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-
4 less the transferor:

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

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

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

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

11 (b) Completes the transfer through a gun dealer.

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

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

18 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
19 18 U.S.C. 923.

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

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

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

28 **SECTION 10. Nothing in the amendments to ORS 166.412, 166.435, 166.436 or 166.438 by**
29 **sections 6 to 9 of this 2025 Act is intended to delay or prevent the development of the process**
30 **for issuing permits to purchase firearms under ORS 166.503, 166.505 and 166.508.**

31
32 **LARGE-CAPACITY MAGAZINES**

33
34 **SECTION 11.** ORS 166.355 is amended to read:

35 166.355. (1) As used in this section:

36 (a) "Armed Forces of the United States" has the meaning given that term in ORS [348.282]
37 **352.313.**

38 (b) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded
39 while detached from a firearm and readily inserted in a firearm.

40 (c) "Fixed magazine" means an ammunition feeding device contained in or permanently attached
41 to a firearm in such a manner that the device cannot be removed without disassembly of the firearm
42 action.

43 (d) "Large-capacity magazine" means a fixed or detachable magazine, belt, drum, feed strip,
44 helical feeding device, or similar device, including any such device joined or coupled with another
45 in any manner, or a kit with such parts, that has an overall capacity of, or that can be readily re-

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

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

5 (B) An attached tubular device designed to accept, and capable of operating only with, 0.22
6 caliber rimfire ammunition; or

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

8 (e) "Loaded" has the meaning given that term in ORS 166.360.

9 (f) "Person" means any natural person, corporation, partnership, [*fire*] **firm** or association.

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

15 (3) Subsection (2) of this section does not apply during the first 180 days following December
16 8, 2022, with respect to:

17 (a) A licensed gun dealer that within 180 days of December 8, 2022:

18 (A) Transfers or sells the large-capacity magazines in the gun dealer's inventory to a nonresi-
19 dent gun dealer or other transferee outside of this state;

20 (B) Purchases or acquires temporary custody from an owner of any large-capacity magazine for
21 permanent removal from this state within 180 days of December 8, 2022;

22 (C) Permanently alters any large-capacity magazine in the gun dealer's inventory or custody so
23 that it is not capable, upon alteration or in the future, of accepting more than 10 rounds of ammu-
24 nition or permanently [*alter*] **alters** the magazine so it is no longer a **large-capacity magazine**; or

25 (D) Permanently disposes of the large-capacity magazines in the gun dealer's custody or inven-
26 tory.

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

30 (A) All manufacturing is completed no later than 180 days after December 8, 2022; and

31 (B) The entity outside of Oregon receiving the large-capacity magazines is made aware in writ-
32 ing on or before the delivery of the ammunition devices of the restrictions pertaining to large-
33 capacity magazines in this state as set forth in chapter 1, Oregon Laws 2023.

34 (4) Subsection (2) of this section does not apply at any time to:

35 (a) A firearms manufacturer properly licensed under federal, state and local law that manufac-
36 tures large-capacity magazines, provided:

37 (A) The manufacturing is for exclusive sale or transfer to the Armed Forces of the United States
38 or a law enforcement agency and solely for authorized use by that entity related to the official du-
39 ties of the entity; and

40 (B) Any large-capacity magazine, permitted to be manufactured under paragraph (a)(A) of this
41 subsection after December 8, 2022, shall include a permanent stamp or marking indicating that the
42 large-capacity magazine was manufactured or assembled after December 8, 2022. The stamp or
43 marking must be legibly and conspicuously engraved or cast upon the outer surface of the large-
44 capacity magazine. The Department of State Police may promulgate such rules as may be necessary
45 for the implementation of this section, including but not limited to rules requiring such large-

1 capacity magazine be stamped with information indicating the limitation for use only by military and
 2 law enforcement or such other identification to distinguish clearly large-capacity magazines manu-
 3 factured after December 8, 2022. Except as provided in subsection (3)(b) of this section, no large-
 4 capacity magazines without such stamp may be manufactured in this state after December 8, 2022.

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

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

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

16 (a)(A) The large-capacity magazine was owned by the person before December 8, 2022, and
 17 maintained in the person’s control or possession; or

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

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

23 [(A)] (i) On property owned or immediately controlled by the [registered] owner;

24 [(B)] (ii) On the premises of a gun dealer or gunsmith licensed under 18 U.S.C. 923 for the pur-
 25 pose of lawful service or repair;

26 [(C)] (iii) While engaging in the legal use of the large-capacity magazine, at a public or private
 27 shooting range or shooting gallery or for recreational activities such as hunting, to the extent per-
 28 mitted under state law; or

29 [(D)] (iv) While participating in a firearms competition or an exhibition, display or educational
 30 project about firearms sponsored, conducted by, approved or under the auspices of a law enforce-
 31 ment agency or a national or state-recognized entity that fosters proficiency in firearms use or
 32 promotes firearms education; and

33 [(E)] (B) While transporting any large-capacity magazines in a vehicle to one of the locations
 34 authorized in [paragraph (c)(A) to (D) of this subsection] **subparagraph (A) of this paragraph**, the
 35 large-capacity magazine is not inserted into the firearm and is locked in a separate container.

36 [(d)] (6) **It is an affirmative defense, as provided in ORS 161.055, to the unlawful pos-**
 37 **session, use and transfer of a large-capacity magazine in this state by any person that** the
 38 person has permanently and voluntarily relinquished the large-capacity magazine to law
 39 enforcement, or to a buyback or turn-in program approved by law enforcement, prior to **the** com-
 40 mencement of prosecution **for the possession, use or transfer** by arrest, citation or a formal
 41 charge.

42 [(6)] (7) Unlawful manufacture, importation, possession, use, purchase, sale or otherwise trans-
 43 ferring of a large-capacity magazine is a Class A misdemeanor.

44
 45 **TRANSFERS OCCURRING ON OR AFTER JULY 1, 2026**

1 **SECTION 12.** ORS 166.412, as amended by section 6 of this 2025 Act, is amended to read:

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

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

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

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

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

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

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

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

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

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

19 (a) The purchaser shall present to the gun dealer current identification meeting the require-
20 ments of subsection (4) of this section and, *[for transfers occurring on or after July 1, 2026]* **unless**
21 **an exception described in subsection (15) of this section applies**, a valid permit issued under
22 ORS 166.505.

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

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

28 (d) The gun dealer shall, by telephone or computer, request that the department conduct a
29 criminal background check on the purchaser, verify, *[for transfers occurring on or after July 1,*
30 *2026]* **unless an exception described in subsection (15) of this section applies**, that the purchaser
31 has a valid permit to purchase a firearm issued under ORS 166.505, and provide the following in-
32 formation to the department:

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

34 (B) The business name of the gun dealer;

35 (C) The place of transfer;

36 (D) The name of the person making the transfer;

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

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

40 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
41 number to the gun dealer; and

42 (H) The type, issuer and identification number of the identification presented by the purchaser.

43 (e) The gun dealer shall receive a unique approval number for the transfer from the department
44 and record the approval number on the firearms transaction record and on the firearms transaction
45 thumbprint form.

1 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
2 completion of the firearms transaction thumbprint form.

3 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
4 partment shall immediately, during the gun dealer's telephone call or by return call:

5 (A) Determine, from criminal records and other information available to it, whether the pur-
6 chaser is disqualified under ORS 166.470 from completing the purchase; and

7 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
8 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
9 complete the transfer.

10 (b) If the department is unable to determine within 30 minutes if the purchaser is qualified or
11 disqualified from completing the transfer, the department shall notify the gun dealer and provide the
12 gun dealer with an estimate of the time when the department will provide the requested information.

13 (c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer
14 receives a unique approval number from the department. Within 48 hours of completing the transfer,
15 the dealer shall notify the department that the transfer was completed.

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

18 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
19 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
20 tional governmental organization or an international quasi-governmental organization; and

21 (B) Is intended to be used for identification of an individual or is commonly accepted for the
22 purpose of identification of an individual.

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

28 (c) The department may require that the gun dealer verify the identification of the purchaser if
29 that identity is in question by sending the thumbprints of the purchaser to the department.

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

33 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
34 the investigations required by this section provided the employee, official or agency acts in good
35 faith and without malice.

36 (7)(a) The department may retain a record of the information obtained during a request for a
37 criminal history record check for no more than five years, **except that information provided to**
38 **the gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm pur-**
39 **chased by a permit holder shall be retained and attached to the electronic record of the**
40 **permit stored by the department. The department may develop a system for removal of the**
41 **information described in subsection (2)(d)(E) of this section upon proof of sale or transfer**
42 **of the firearm to another permit holder, and for the recording of the information to reflect**
43 **the transfer of ownership to the permit of the new owner.**

44 (b) The record of the information obtained during a request for a criminal history record check
45 by a gun dealer is exempt from disclosure under public records law.

1 (c) If the department determines that a purchaser is prohibited from possessing a firearm under
 2 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any
 3 other personally identifiable information to all federal, state and local law enforcement agencies and
 4 district attorneys that have jurisdiction over the location or locations where the attempted transfer
 5 was made and where the purchaser resides.

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

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

14 (f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric
 15 Security Review Board, the department shall report the attempted transfer to the board.

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

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

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

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

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

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

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

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

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

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

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

41 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

42 (c) The provision of a security system to identify gun dealers that request a criminal history
 43 record check under subsection (2) of this section; and

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

45 (11) The department shall publish the firearms transaction thumbprint form and shall furnish the

1 form to gun dealers on application at cost.

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

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

7 (b) A gun dealer that requests a criminal background check under this subsection is immune
8 from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or
9 transferee, provided that the gun dealer:

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

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

13 (C) *[For transfers occurring on or after July 1, 2026]* **Unless an exception described in sub-**
14 **section (15) of this section applies**, verifies that the recipient has a valid permit to purchase the
15 firearm or unfinished frame or receiver.

16 *[(14)(a) Knowingly selling or delivering a firearm or unfinished frame or receiver to a purchaser*
17 *or transferee prior to receiving a unique approval number from the department based on the criminal*
18 *background check in violation of subsection (3)(c) of this section is a Class A misdemeanor.]*

19 *[(b)]* **(14)** *[For transfers occurring on or after July 1, 2026,]* Knowingly selling or delivering a
20 firearm to a purchaser or transferee who does not have a valid permit to purchase a firearm in vi-
21 olation of subsection (2)(d) of this section **and does not qualify for an exception described in**
22 **subsection (15) of this section**, or prior to receiving a unique approval number from the depart-
23 ment based on the criminal background check in violation of subsection (3)(c) of this section, is a
24 Class A misdemeanor.

25 **(15) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a**
26 **firearm purchase from a gun dealer under this section if:**

27 **(a) The purchaser can demonstrate proof of completion of a firearm safety course as**
28 **defined in ORS 166.505 (8) and is purchasing:**

29 **(A) A single-shot rifle, whether centerfire or rimfire;**

30 **(B) A double-barreled shotgun;**

31 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
32 **straight-pull or revolving action;**

33 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**
34 **ing only with, 0.22 caliber rimfire ammunition;**

35 **(E) A muzzleloader rifle; or**

36 **(F) A shotgun with a pump, break, lever or revolving action; or**

37 **(b) The purchaser is:**

38 **(A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and**
39 **presents valid identification and an identification number issued to the purchaser by the**
40 **Department of Public Safety Standards and Training; or**

41 **(B) An active duty member of the Armed Forces of the United States as defined in ORS**
42 **352.313 and presents valid identification.**

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

44 166.435. (1) As used in this section:

45 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, including, but

1 not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the temporary
2 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is
3 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and
4 the provision occurs:

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

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

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

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

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

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

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

20 (c) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer or
21 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

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

25 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except
26 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the
27 transferee must appear in person before a gun dealer, with the firearm and, *[for transfers occurring*
28 *on or after July 1, 2026]* **unless an exception described in subsection (6) of this section**
29 **applies**, a valid permit-to-purchase issued to the transferee under ORS 166.505, and request that the
30 gun dealer perform a criminal background check on the transferee.

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

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

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

38 (A) Receives a unique approval number from the Department of State Police indicating that the
39 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the
40 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

41 (B) Receives notification that the transferee is prohibited by state or federal law from possessing
42 or receiving the firearm or that the department is unable to determine if the transferee is qualified
43 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither
44 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor
45 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the

1 gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

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

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

10 (c) The transfer of a firearm to:

11 (A) A transferor's spouse or domestic partner;

12 (B) A transferor's parent or stepparent;

13 (C) A transferor's child or stepchild;

14 (D) A transferor's sibling;

15 (E) A transferor's grandparent;

16 (F) A transferor's grandchild;

17 (G) A transferor's aunt or uncle;

18 (H) A transferor's first cousin;

19 (I) A transferor's niece or nephew; or

20 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-
21 agraph.

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

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

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

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

30 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the
31 requirements of this section commits a Class B felony if the transferor has a previous conviction
32 under this section at the time of the offense.

33 **(6) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a**
34 **firearm transfer under this section if:**

35 **(a) The transferee can demonstrate proof of completion of a firearm safety course as**
36 **defined ORS 166.505 (8) and is purchasing:**

37 **(A) A single-shot rifle, whether centerfire or rimfire;**

38 **(B) A double-barreled shotgun;**

39 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
40 **straight-pull or revolving action;**

41 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**
42 **ing only with, 0.22 caliber rimfire ammunition;**

43 **(E) A muzzleloader rifle; or**

44 **(F) A shotgun with a pump, break, lever or revolving action; or**

45 **(b) The transferee is:**

1 (A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and
 2 presents valid identification and an identification number issued to the transferee by the
 3 Department of Public Safety Standards and Training; or

4 (B) An active duty member of the Armed Forces of the United States as defined in ORS
 5 352.313 and presents valid identification.

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

7 166.436. (1) The Department of State Police shall make the telephone number established under
 8 ORS 166.412 (5) available for requests for criminal background checks under this section from per-
 9 sons who are not gun dealers and who are transferring firearms at gun shows.

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

- 15 (a) The name, address and telephone number of the transferor;
- 16 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 17 (c) The name, date of birth, race, sex and address of the recipient;
- 18 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;
- 19 (e) The address of the place where the transfer is occurring; and
- 20 (f) The type, issuer and identification number of a current piece of identification bearing a re-
 21 cent photograph of the recipient presented by the recipient. The identification presented by the re-
 22 cipient must meet the requirements of ORS 166.412 (4)(a).

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

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

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

33 (b) If the department is unable to determine whether the recipient is qualified for or disqualified
 34 from completing the transfer within 30 minutes of receiving the request, the department shall notify
 35 the transferor and provide the transferor with an estimate of the time when the department will
 36 provide the requested information.

37 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval
 38 number from the department and, within 48 hours of the completed transfer, the transferor shall
 39 notify the department that the transfer was completed.

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

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

45 (b) The record of the information obtained during a request for a criminal background check

1 under this section is exempt from disclosure under public records law.

2 (c) If the department determines that a recipient is prohibited from possessing a firearm under
 3 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient's name and any
 4 other personally identifiable information to all federal, state and local law enforcement agencies and
 5 district attorneys that have jurisdiction over the location or locations where the attempted transfer
 6 was made and where the recipient resides.

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

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

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

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

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

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

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

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

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

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

34 (6) The recipient of the firearm must be present when the transferor requests a criminal back-
 35 ground check under this section.

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

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

43 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends
 44 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may
 45 not lawfully possess the firearm; or

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

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

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

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

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

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

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

(b) Completes the transfer through a gun dealer.

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

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

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

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

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

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

(7) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm transfer under this section if:

(a) The recipient can demonstrate proof of completion of a firearm safety course as defined in ORS 166.505 (8) and is purchasing:

(A) A single-shot rifle, whether centerfire or rimfire;

(B) A double-barreled shotgun;

(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or revolving action;

(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only with, 0.22 caliber rimfire ammunition;

(E) A muzzleloader rifle; or

(F) A shotgun with a pump, break, lever or revolving action; or

(b) The recipient is:

(A) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and presents valid identification and an identification number issued to the recipient by the Department of Public Safety Standards and Training; or

(B) An active duty member of the Armed Forces of the United States as defined in ORS

1 **352.313 and presents valid identification.**

2 **SECTION 16. (1) The amendments to ORS 166.412, 166.435, 166.436 and 166.438 by sections**
3 **12 to 15 of this 2025 Act become operative on July 1, 2026.**

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

6
7 **TRANSFERS OCCURRING ON OR AFTER JULY 1, 2028**

8
9 **SECTION 17.** ORS 166.412, as amended by sections 6 and 12 of this 2025 Act, is amended to
10 read:

11 166.412. (1) As used in this section:

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

13 (b) “Department” means the Department of State Police;

14 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include
15 an antique firearm;

16 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.
17 921 to 929;

18 (e) “Firearms transaction thumbprint form” means a form provided by the department under
19 subsection (11) of this section;

20 (f) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
21 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
22 otherwise;

23 (g) “Purchaser” means a person who buys, leases or otherwise receives a firearm or unfinished
24 frame or receiver from a gun dealer; and

25 (h) “Unfinished frame or receiver” has the meaning given that term in ORS 166.210.

26 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
27 following before a firearm or unfinished frame or receiver is delivered to a purchaser:

28 (a) The purchaser shall present to the gun dealer current identification meeting the require-
29 ments of subsection (4) of this section and, unless an exception described in subsection (15) of this
30 section applies, a valid permit issued under ORS 166.505.

31 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
32 the purchaser on the record.

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

36 (d) The gun dealer shall, by telephone or computer, request that the department conduct a
37 criminal background check on the purchaser, verify, unless an exception described in subsection (15)
38 of this section applies, that the purchaser has a valid permit to purchase a firearm issued under ORS
39 166.505, and provide the following information to the department:

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

41 (B) The business name of the gun dealer;

42 (C) The place of transfer;

43 (D) The name of the person making the transfer;

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

- 1 (F) The name and date of birth of the purchaser;
- 2 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
3 number to the gun dealer; and
- 4 (H) The type, issuer and identification number of the identification presented by the purchaser.
- 5 (e) The gun dealer shall receive a unique approval number for the transfer from the department
6 and record the approval number on the firearms transaction record and on the firearms transaction
7 thumbprint form.
- 8 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
9 completion of the firearms transaction thumbprint form.
- 10 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
11 partment shall immediately, during the gun dealer's telephone call or by return call:
- 12 (A) Determine, from criminal records and other information available to it, whether the pur-
13 chaser is disqualified under ORS 166.470 from completing the purchase; and
- 14 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
15 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
16 complete the transfer.
- 17 (b) If the department is unable to determine within 30 minutes if the purchaser is qualified or
18 disqualified from completing the transfer, the department shall notify the gun dealer and provide the
19 gun dealer with an estimate of the time when the department will provide the requested information.
- 20 (c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer
21 receives a unique approval number from the department. Within 48 hours of completing the transfer,
22 the dealer shall notify the department that the transfer was completed.
- 23 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include
24 one piece of current identification bearing a photograph and the date of birth of the purchaser that:
- 25 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
26 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
27 tional governmental organization or an international quasi-governmental organization; and
- 28 (B) Is intended to be used for identification of an individual or is commonly accepted for the
29 purpose of identification of an individual.
- 30 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
31 not include the current address of the purchaser, the purchaser shall present a second piece of
32 current identification that contains the current address of the purchaser. The Superintendent of
33 State Police may specify by rule the type of identification that may be presented under this para-
34 graph.
- 35 (c) The department may require that the gun dealer verify the identification of the purchaser if
36 that identity is in question by sending the thumbprints of the purchaser to the department.
- 37 (5) The department shall establish a telephone number that shall be operational seven days a
38 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun
39 dealers for a criminal history record check under this section.
- 40 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
41 the investigations required by this section provided the employee, official or agency acts in good
42 faith and without malice.
- 43 (7)(a) The department may retain a record of the information obtained during a request for a
44 criminal history record check for no more than five years, except that information provided to the
45 gun dealer under subsection (2)(d) of this section sufficient to reflect each firearm purchased by a

1 permit holder shall be retained and attached to the electronic record of the permit stored by the
2 department. The department may develop a system for removal of the information described in sub-
3 section (2)(d)(E) of this section upon proof of sale or transfer of the firearm to another permit holder,
4 and for the recording of the information to reflect the transfer of ownership to the permit of the new
5 owner.

6 (b) The record of the information obtained during a request for a criminal history record check
7 by a gun dealer is exempt from disclosure under public records law.

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

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

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

21 (f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric
22 Security Review Board, the department shall report the attempted transfer to the board.

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

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

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

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

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

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

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

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

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

45 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State

1 Police may adopt rules necessary for:

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

3 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

4 (c) The provision of a security system to identify gun dealers that request a criminal history
5 record check under subsection (2) of this section; and

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

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

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

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

14 (b) A gun dealer that requests a criminal background check under this subsection is immune
15 from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or
16 transferee, provided that the gun dealer:

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

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

20 (C) Unless an exception described in subsection (15) of this section applies, verifies that the re-
21 cipient has a valid permit to purchase the firearm or unfinished frame or receiver.

22 (14) Knowingly selling or delivering a firearm to a purchaser or transferee who does not have
23 a valid permit to purchase a firearm in violation of subsection (2)(d) of this section and does not
24 qualify for an exception described in subsection (15) of this section, or prior to receiving a unique
25 approval number from the department based on the criminal background check in violation of sub-
26 section (3)(c) of this section, is a Class A misdemeanor.

27 (15) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm
28 purchase from a gun dealer under this section if[.]:

29 *[(a) The purchaser can demonstrate proof of completion of a firearm safety course as defined in*
30 *ORS 166.505 (8) and is purchasing:]*

31 *[(A) A single-shot rifle, whether centerfire or rimfire;]*

32 *[(B) A double-barreled shotgun;]*

33 *[(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*
34 *revolving action;]*

35 *[(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*
36 *with, 0.22 caliber rimfire ammunition;]*

37 *[(E) A muzzleloader rifle; or]*

38 *[(F) A shotgun with a pump, break, lever or revolving action; or]*

39 *[(b)] the purchaser is:*

40 *[(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and*
41 *presents valid identification and an identification number issued to the purchaser by the Department*
42 *of Public Safety Standards and Training; or*

43 *[(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS*
44 *352.313 and presents valid identification.*

45 **SECTION 18.** ORS 166.435, as amended by sections 7 and 13 of this 2025 Act, is amended to

1 read:

2 166.435. (1) As used in this section:

3 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, including, but
 4 not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the temporary
 5 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is
 6 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and
 7 the provision occurs:

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

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

13 (C) Under circumstances in which the transferee and the firearm are in the presence of the
 14 transferor;

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

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

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

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

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

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

28 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except
 29 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the
 30 transferee must appear in person before a gun dealer, with the firearm and, unless an exception
 31 described in subsection (6) of this section applies, a valid permit-to-purchase issued to the transferee
 32 under ORS 166.505, and request that the gun dealer perform a criminal background check on the
 33 transferee.

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

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

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

41 (A) Receives a unique approval number from the Department of State Police indicating that the
 42 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the
 43 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

44 (B) Receives notification that the transferee is prohibited by state or federal law from possessing
 45 or receiving the firearm or that the department is unable to determine if the transferee is qualified

1 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither
 2 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor
 3 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the
 4 gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

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

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

13 (c) The transfer of a firearm to:

14 (A) A transferor's spouse or domestic partner;

15 (B) A transferor's parent or stepparent;

16 (C) A transferor's child or stepchild;

17 (D) A transferor's sibling;

18 (E) A transferor's grandparent;

19 (F) A transferor's grandchild;

20 (G) A transferor's aunt or uncle;

21 (H) A transferor's first cousin;

22 (I) A transferor's niece or nephew; or

23 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-
 24 agraph.

25 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided
 26 that:

27 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
 28 111.005, or a trustee of a trust created in a will; and

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

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

33 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the
 34 requirements of this section commits a Class B felony if the transferor has a previous conviction
 35 under this section at the time of the offense.

36 (6) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm
 37 transfer under this section if[.]:

38 [(a) *The transferee can demonstrate proof of completion of a firearm safety course as defined ORS*
 39 *166.505 (8) and is purchasing;*]

40 [(A) *A single-shot rifle, whether centerfire or rimfire;*]

41 [(B) *A double-barreled shotgun;*]

42 [(C) *A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*
 43 *revolving action;*]

44 [(D) *A rifle with an attached tubular magazine designed to accept, and capable of operating only*
 45 *with, 0.22 caliber rimfire ammunition;*]

1 *[(E) A muzzleloader rifle; or]*

2 *[(F) A shotgun with a pump, break, lever or revolving action; or]*

3 *[(b)] the transferee is:*

4 *[(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and*
 5 *presents valid identification and an identification number issued to the transferee by the Department*
 6 *of Public Safety Standards and Training; or*

7 *[(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS*
 8 *352.313 and presents valid identification.*

9 **SECTION 19.** ORS 166.438, as amended by sections 9 and 15 of this 2025 Act, is amended to
 10 read:

11 166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-
 12 less the transferor:

13 (a)(A) Unless an exception described in subsection (7) of this section applies, verifies with the
 14 Department of State Police that the recipient has a valid permit-to-purchase issued under ORS
 15 166.505;

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

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

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

20 (b) Completes the transfer through a gun dealer.

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

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

27 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
 28 18 U.S.C. 923.

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

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

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

37 (7) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm
 38 transfer under this section if:]

39 *[(a) The recipient can demonstrate proof of completion of a firearm safety course as defined in ORS*
 40 *166.505 (8) and is purchasing:]*

41 *[(A) A single-shot rifle, whether centerfire or rimfire;]*

42 *[(B) A double-barreled shotgun;]*

43 *[(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or*
 44 *revolving action;]*

45 *[(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only*

1 with, 0.22 caliber rimfire ammunition;]

2 [(E) A muzzleloader rifle; or]

3 [(F) A shotgun with a pump, break, lever or revolving action; or]

4 [(b)] the recipient is:

5 [(A)] (a) An active duty state, federal or tribal police officer as defined in ORS 181A.355 and
6 presents valid identification and an identification number issued to the recipient by the Department
7 of Public Safety Standards and Training; or

8 [(B)] (b) An active duty member of the Armed Forces of the United States as defined in ORS
9 352.313 and presents valid identification.

10 **SECTION 20.** (1) The amendments to ORS 166.412, 166.435 and 166.438 by sections 17 to
11 19 of this 2025 Act become operative on July 1, 2028.

12 (2) The amendments to ORS 166.412, 166.435 and 166.438 by sections 17 to 19 of this 2025
13 Act apply to firearm transfers occurring on or after July 1, 2028.

14
15 **MISCELLANEOUS PROVISIONS OF BALLOT MEASURE 114**

16
17 **SECTION 21.** Section 13, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended
18 to read:

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

23
24 **CHALLENGE TO LEGALITY OF ACT**

25
26 **SECTION 22.** Any action challenging the legality, including the constitutionality, of this
27 2025 Act must be commenced in the Circuit Court for Marion County.

28
29 **CAPTIONS**

30
31 **SECTION 23.** The unit captions used in this 2025 Act are provided only for the conven-
32 ience of the reader and do not become part of the statutory law of this state or express any
33 legislative intent in the enactment of this 2025 Act.

34
35 **EMERGENCY CLAUSE**

36
37 **SECTION 24.** This 2025 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
39 on its passage.