

HB 4145 A STAFF MEASURE SUMMARY**Carrier:** Rep. McDonald, Rep. Kropf**House Committee On Judiciary****Action Date:** 02/16/26**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-3-0-0**Yea:** 5 - Andersen, Chaichi, Chotzen, Kropf, Tran**Nays:** 3 - Lewis, Mannix, Wallan**Fiscal:** Fiscal impact issued**Revenue:** Has minimal revenue impact**Prepared By:** Jules Dellinger, LPRO Analyst**Meeting Dates:** 2/2, 2/16**WHAT THE MEASURE DOES:**

The measure modifies the Reduction of Gun Violence Act, also known as Ballot Measure 114 (2022), to delay the operation of the permit-to-purchase requirement to January 1, 2028, and the large-capacity magazine prohibitions to January 1, 2027. The measure changes permit eligibility and exemptions, background check processes, record retention and reporting requirements, and fees and timelines. The measure modifies the large-capacity magazine exemptions, affirmative defenses, and 180-day grace period. The measure declares an emergency, effective on its passage.

Detailed Summary:**Delays Requirement of Permit to Purchase Firearms**

States that a permit to purchase firearms is not required for transfers occurring before January 1, 2028, notwithstanding the amendments to the Reduction of Gun Violence Act that applied the act to transfers conducted on or after March 15, 2026. Adds provisions to effectuate the delay throughout Sections 6, 7, 8, and 9 of the measure. Delays the operation and application of Sections 12 to 15 of the measure to January 1, 2028.

Changes Permit Eligibility and Exemptions

Makes ineligible for a permit to purchase firearms a person who has a prior “misdemeanor involving violence,” as defined, within the past four years. Exempts transfers to a “peace officer” or “parole and probation officer” from the permit requirement.

Changes Background Check Processes

Requires gun permit background checks to go through state databases before going through a request to the Federal Bureau of Investigation (FBI), and requires the Oregon State Police (OSP) to request that the FBI not retain any fingerprint records provided. Requires the background check response from OSP to the permit agent to be in writing and to indicate whether the applicant is qualified and, if the applicant is disqualified, the reasons for the disqualification, and to contain the outcome of any fingerprint-based criminal background check. Requires OSP to inform the permit agent if the background check cannot be completed due to missing information, and allows the applicant to provide the missing information in a new application to the permit agent.

Changes Gun Permit Record Retention and Report Requirements

Exempts gun permit application records from public records disclosures. Requires a permit agent issuing a permit to enter the permit holder’s name into the Law Enforcement Data System and indicate that the person holds a permit. Adds the requirement that OSP’s annual report on permit applications contain demographic information within the number of permits granted and denied, and reasons for the denial. Prohibits the reports from containing personally identifiable information.

HB 4145 A STAFF MEASURE SUMMARY

Lengthens Permit Issuing and Denial Timelines and Increases Allowable Permit and Renewal Fees

Increases the maximum allowable time a permit agent has to either issue a permit or deny the application from 30 to 60 days. Increases the amount a permit agent may charge for the permit process from \$65 to \$150 and for a permit renewal from \$50 to \$110, and limits the portion of that charge that is payable to OSP for running the background checks to \$48 or less (for both permits and renewals).

Changes What Qualifies as “Proof of a Firearm Safety Course” for a Gun Permit Application

Defines “instructor approved by a law enforcement agency.” Requires that certain classes be completed within five years prior to the permit application. Adds proof of completion of a training course or class for a concealed handgun license that includes specified components. Adds current certification as a qualified retired law enforcement officer under federal law. Adds current certification as a corrections officer under Oregon law. Adds certification as an instructor by the National Rifle Association. Adds proof of arms qualifications while serving in the U.S. Armed Forces within the past 10 years. Adds current certification as an armed private security professional under Oregon law.

Protects Permit Agents and OSP From Liability

Protects law enforcement agencies from civil liability for an approved trainer’s actions or inactions if the agency acted in good faith in approving the trainer. Protects law enforcement agencies and permit agents from civil or criminal liability for certain actions taken during the permit process if the actions are based on the lawful performance of official duties.

Modifies the Large Capacity Magazine Prohibition Exemptions, Affirmative Defenses, and Grace Period

Exemptions. Exempts a “peace officer” or a “parole or probation officer,” as defined, who acquires, possesses, or uses a large-capacity magazine from the application of unlawful manufacture, importation, possession, use, purchase, sale, or otherwise transferring of a large-capacity magazine, a Class A misdemeanor under ORS 166.355. Also exempts a “law enforcement agency,” as defined, that imports, possesses, uses, purchases, or transfers a large-capacity magazine for official use.

Affirmative Defenses. Replaces the affirmative defense to unlawful large-capacity magazine use in ORS 166.355(5). Creates an affirmative defense to unlawful large-capacity magazine use if the person owned the large-capacity magazine before either January 1, 2027, or when a court reverses or vacates an injunction prohibiting the enforcement of ORS 166.355, whichever is earlier. Creates an affirmative defense for a person who came to possess the large-capacity magazine through a legal transfer upon the death of the former lawful possessor. Creates an affirmative defense for a person acting as the “administrator of a decedent’s estate” who possesses a large-capacity magazine or transfers, but does not sell, a large-capacity magazine to a “beneficiary of the decedent’s estate,” as those terms are defined.

Grace Period. Prohibits prosecution of any person for unlawful large-capacity magazine use while ORS 166.355 is enjoined by a court of law in Oregon. Establishes a 180-day grace period for conduct occurring within 180 days of a court judgment lifting the injunction that would be unlawful large-capacity magazine use, but that is done by a licensed gun dealer either removing a large-capacity magazine from the state or otherwise relinquishing or destroying a large-capacity magazine, or a firearms manufacturer completing a contract for large-capacity magazine production with an out-of-state entity.

Declares Legislative Intent Regarding Pending Case

Declares that the legislature does not intend the measure to affect the pending proceedings before the Oregon Supreme Court concerning the constitutionality of Ballot Measure 114 (2022).

Limits Venue of Legal Challenges

Requires challenges to the legality or constitutionality of the measure to be filed in the Marion County Circuit Court.

HB 4145 A STAFF MEASURE SUMMARY

ISSUES DISCUSSED:

- Ongoing litigation and the constitutionality of the provisions
- Timeline of effective dates
- Information retained by the federal government

EFFECT OF AMENDMENT:

The amendment modifies the definition of “proof of completion of a firearm safety course,” modifies the affirmative defense to unlawful possession or use of a large capacity magazine, modifies exceptions to the permit and large capacity magazine requirements, and declares legislative intent not to affect the pending case before the Oregon Supreme Court.

Detailed Summary:

Removes prior or current certification as a specified law enforcement officer in what qualifies as “proof of completion of a firearm safety course” and replaces it with either current certification as a “qualified retired law enforcement officer” under federal law or current certification as a corrections officer in Oregon.

Replaces the affirmative defense provisions of the measure with a modified affirmative defense to unlawful possession or use of a large-capacity magazine if a person does any of the following:

- Owned the magazine before January 1, 2027, or before the injunction prohibiting the statute is lifted, whichever is earlier
- Got the magazine through inheritance from a former owner who lawfully owned the magazine
- Was administering an estate and possessed or transferred, but did not sell, the magazine to a beneficiary of the estate

Removes “retired peace officer or parole and probation officer who is a qualified law enforcement officer” from the permit to purchase and large-capacity magazine exceptions listed in Sections 11(3)(d), 12(15), 13(6), and 15(7).

States that the legislature does not intend the measure to affect the proceedings before the Oregon Supreme Court concerning the constitutionality of Ballot Measure 114 (2022).

BACKGROUND:

In November 2022, Oregon voters passed Ballot Measure 114, which required anyone purchasing a firearm to take a firearm safety training course and obtain a permit. It also banned large-capacity magazines—those holding more than 10 rounds—and closed the “Charleston loophole,” which allowed firearm transfers to go forward if a background check had not been completed after three days. The provisions of the ballot measure were enacted in Chapter 1, Oregon Laws 2023, as the “Reduction of Gun Violence Act.” Lawsuits were filed challenging the constitutionality of provisions of the ballot measure in both federal and state courts. Due to court orders, the measure has not been in effect and, for now, remains enjoined while the state case proceeds. The operative date of the act was changed in 2025 to March 15, 2026.

In state court, a Harney County Circuit Court judge held that certain parts of the measure violated the Oregon Constitution. On March 12, 2025, the Oregon Court of Appeals reversed the decision of the circuit court, holding in its [opinion](#) that “all of Ballot Measure 114 (2022) is facially valid under Article I, section 27” of the Oregon Constitution. In November 2025, the Oregon Supreme Court heard arguments on a further appeal of the case, which is still pending.

In federal court, a judge [ruled](#) in December 2022 that “Ballot Measure 114’s restrictions are consistent with this Nation’s history and tradition of regulating uniquely dangerous features of weapons and firearms to protect public safety” and determined that the measure is constitutional under the U.S. Constitution. The case was appealed to the Ninth Circuit Court of Appeals, which has placed the case on hold pending resolution of a

HB 4145 A STAFF MEASURE SUMMARY

California case—also involving a large-capacity magazine prohibition—in light of the U.S. Supreme Court’s recent Second Amendment decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). On March 20, 2025, the Ninth Circuit Court, sitting *en banc*, determined that “California’s law comported with the Second Amendment” (see *Duncan v. Bonta*, 133 F.4th 852 (2025)). Oregon’s case before the Ninth Circuit is still pending, and California’s case has been appealed to the U.S. Supreme Court.

In 2025, the Oregon Legislative Assembly introduced several measures to modify and codify provisions of Ballot Measure 114: Senate Bill 243, House Bill 3075 A (not enacted), and House Bill 3076 B (not enacted). SB 243 expands the authority of governing bodies to regulate the possession of firearms within certain buildings where official meetings are held and criminalizes the possession, manufacturing, or transfer of rapid-fire activation devices. The measure also delays full enforcement of Ballot Measure 114’s provisions—including permit-to-purchase requirements, background check mandates, and high-capacity magazine restrictions—to actions occurring on or after March 15, 2026.

HB 3075 A sought to amend Oregon statutes necessary to implement the procedural requirements for obtaining a permit to purchase a firearm as outlined by Ballot Measure 114. The proposal included extending permit decision windows from 30 to 60 days, requiring written denial notices, increasing fees, and shielding background check data from public access.

HB 3076 B would have initiated a state-level licensing regime for firearm dealers, requiring dealers to register with the Department of Justice, submit to background checks, maintain security and records, and undergo possible inspections. The bill also would have established timelines, fees, funding mechanisms, and enforcement penalties. Finally, the measure would have created procedural and eligibility requirements for the application, issuance, and oversight authority of state firearms dealer licenses.