

HB 4145-4
(LC 273)
2/13/26 (JLM/ps)

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO
HOUSE BILL 4145**

1 On page 1 of the printed bill, line 2, after “firearms;” delete the rest of
2 the line and delete lines 3 and 4 and insert “amending ORS 166.412, 166.435,
3 166.436 and 166.438; repealing ORS 166.355, 166.500, 166.503, 166.505, 166.508
4 and 166.512 and sections 1, 10 and 13, chapter 1, Oregon Laws 2023; and de-
5 claring an emergency.”.

6 After line 4, insert:

7 “Whereas Ballot Measure 114 (2022) passed by a close vote of the people;
8 and

9 “Whereas Ballot Measure 114 (2022) contains policies that appear to vio-
10 late the Oregon and United States Constitutions; and

11 “Whereas Ballot Measure 114 (2022) imposes extraordinary costs on
12 sheriffs and other local law enforcement agencies in carrying out its proce-
13 dural requirements; and

14 “Whereas the oversight expenses of Ballot Measure 114 (2022) are ex-
15 traordinary and interfere with the constitutional rights of Oregonians; now,
16 therefore.”.

17 Delete lines 6 through 18 and delete pages 2 through 27 and insert:

18 **“SECTION 1. (1) ORS 166.355, 166.500, 166.503, 166.505, 166.508 and
19 166.512 and section 1, chapter 1, Oregon Laws 2023, are repealed.”**

20 **“(2) Section 10, chapter 1, Oregon Laws 2023, as amended by section
21 6, chapter 594, Oregon Laws 2025, is repealed.”**

1 **“(3) Section 13, chapter 1, Oregon Laws 2023, as amended by section**
2 **7, chapter 594, Oregon Laws 2025, is repealed.**

3 **“SECTION 2.** ORS 166.412 is amended to read:

4 “166.412. (1) As used in this section:

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

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

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

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

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

13 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
14 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
15 the person is a retail dealer, pawnbroker or otherwise;

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

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

20 “(2) Except as provided in [subsection (12)] **subsections (3)(c) and (12)**
21 of this section, a gun dealer shall comply with the following before a firearm
22 or unfinished frame or receiver is delivered to a purchaser:

23 “(a) The purchaser shall present to the gun dealer current identification
24 meeting the requirements of subsection (4) of this section [*and a valid permit*
25 *issued under ORS 166.505*].

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

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

1 “(d) The gun dealer shall[,] **request** by telephone [or computer, *verify that*
2 *the purchaser has a valid permit-to-purchase a firearm issued under ORS*
3 *166.505, and request*] that the department conduct a criminal history record
4 check on the purchaser and shall provide the following information to the
5 department:

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

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

8 “(C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~“(c) The dealer may not transfer the firearm or unfinished frame or re-
7 ceiver unless the dealer receives a unique approval number from the depart-
8 ment and, within 48 hours of completing the transfer, the dealer shall notify
9 the state that the transfer to the permit holder was completed.]~~

10 **“(c) If the department fails to provide a unique approval number to
11 a gun dealer or to notify the gun dealer that the purchaser is dis-
12 qualified under paragraph (a) of this subsection before the close of the
13 gun dealer’s next business day following the request by the gun dealer
14 for a criminal history record check, the gun dealer may deliver the
15 firearm to the purchaser.**

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

19 “(A) Is issued under the authority of the United States Government, a
20 state, a political subdivision of a state, a foreign government, a political
21 subdivision of a foreign government, an international governmental organ-
22 ization or an international quasi-governmental organization; and

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

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

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

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

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

11 “(7)(a) The department may retain a record of the information obtained
12 during a request for a criminal history record check for no more than five
13 years[, *except for the information provided to the dealer under subsection (2)(d)*
14 *of this section, sufficient to reflect each firearm or unfinished frame or receiver*
15 *purchased by a permit holder, which must be attached to the electronic record*
16 *of the permit stored by the department. The department may develop a system*
17 *for removal of the information in subsection (2)(d)(E) of this section, upon*
18 *proof of sale or transfer of the firearm or unfinished frame or receiver to an*
19 *other permit holder and for recording of the information to reflect the transfer*
20 *of ownership to the permit of the new owner*].

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

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

30 “(d) If the department determines that, based on the judgment of con-

1 viction, the purchaser is prohibited from possessing a firearm as a condition
2 of probation or that the purchaser is currently on post-prison supervision or
3 parole, the department shall report the attempted transfer to the purchaser's
4 supervising officer and the district attorney of the county in which the con-
5 viction occurred.

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

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

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

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

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

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

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

30 “(C) The number of investigations arising from the reports made pursuant

1 to paragraph (c) of this subsection, the number of investigations concluded
2 and the number of investigations referred for prosecution, all arranged by
3 category of prohibition; and

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

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

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

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

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

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

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

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

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

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

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

30 “(b) A gun dealer that requests a criminal background check under this

1 subsection is immune from civil liability for any use of the firearm or un-
2 finished frame or receiver by the recipient or transferee, provided that the
3 gun dealer requests the criminal background check as described in this sec-
4 tion [*and also provided that the dealer verifies that the recipient has a valid*
5 *permit-to-purchase the firearm or unfinished frame or receiver and the dealer*
6 *has received a unique approval number from the department indicating suc-*
7 *cessful completion of the background check*].

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

14 **“SECTION 3.** ORS 166.435 is amended to read:

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

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

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

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

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

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

1 time during which the firearm is being repaired;

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

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

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

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

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

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

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

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

1 law.

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

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

7 “(B) Receives notification that the transferee is prohibited by state or
8 federal law from possessing or receiving the firearm [*or that the department*
9 *is unable to determine if the transferee is qualified or disqualified from com-*
10 *pleting the transfer*], the gun dealer shall notify the transferor and neither
11 the transferor nor the gun dealer shall transfer the firearm to the transferee.
12 If the transferor shipped or delivered the firearm to the gun dealer pursuant
13 to paragraph (b) of this subsection, the gun dealer shall comply with federal
14 law when returning the firearm to the transferor.

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

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

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

23 “(b) The transfer of a firearm as part of a firearm turn-in or buyback
24 event, in which a law enforcement agency receives or purchases firearms
25 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;

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

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

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

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

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

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

20 **“SECTION 4.** ORS 166.436 is amended to read:

21 “166.436. (1) The Department of State Police shall make the telephone
22 number established under ORS 166.412 (5) available for requests for criminal
23 background checks under this section from persons who are not gun dealers
24 and who are transferring firearms at gun shows.

25 “(2) Prior to transferring a firearm at a gun show, a transferor who is
26 not a gun dealer [*shall*] **may request** by telephone [*verify that the transferee*
27 *has a valid permit-to-purchase a firearm under ORS 166.505, and request*] that
28 the department conduct a criminal background check on the recipient upon
29 providing the following information to the department:

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

1 “(b) The make, model, caliber and manufacturer's number of the firearm
2 being transferred;

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

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

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

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

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

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

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

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

30 “[(c) *The transferor may not transfer the firearm unless the transferor re-*

1 *ceives a unique approval number from the department and, within 48 hours*
2 *of the completed transfer, the transferor shall notify the state that the transfer*
3 *to the permit holder was completed.]*

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

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

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

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

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

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

30 “(f) If the department determines that the recipient is under the jurisdic-

1 tion of the Psychiatric Security Review Board, the department shall report
2 the attempted transfer to the board.

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

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

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

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

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

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

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

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

29 “(7)(a) Except as otherwise provided in paragraph (b) of this subsection,
30 a transferor who receives notification under this section that the recipient

1 is qualified to complete the transfer of a firearm, has the recipient fill out
2 the form required by ORS 166.438 (1)(a) and retains the form as required by
3 ORS 166.438 (2) is immune from civil liability for any use of the firearm from
4 the time of the transfer unless the transferor knows, or reasonably should
5 know, that the recipient is likely to commit an unlawful act involving the
6 firearm.

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

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

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

14 **“SECTION 5.** ORS 166.438 is amended to read:

15 “166.438. (1) A transferor who is not a gun dealer may not transfer a
16 firearm at a gun show unless the transferor:

17 “[(a)(A) *Verifies with the department that the recipient has a valid*
18 *permit-to-purchase issued under ORS 166.505;]*

19 “[(B)] (a)(A) Requests a criminal background check under ORS 166.436
20 prior to completing the transfer;

21 “[(C)] (B) Receives a unique approval number from the department indi-
22 cating that the recipient is qualified to complete the transfer; and

23 “[(D)] (C) Has the recipient complete the form described in ORS 166.441;
24 or

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

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

30 “(3) A person who organizes a gun show shall post in a prominent place

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

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

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

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

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

15 **“SECTION 6. This 2026 Act being necessary for the immediate
16 preservation of the public peace, health and safety, an emergency is
17 declared to exist, and this 2026 Act takes effect on its passage.”.**

18 _____