

Senate Bill 429

Sponsored by Senators PROZANSKI, MANNING JR; Senators FREDERICK, MEEK, REYNOLDS (Presession 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 requires gun dealers to wait 72 hours from the time of asking for a background check, and to have the approval number from the check, before giving a firearm or certain unfinished firearm parts to a buyer. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 64.7).

Prohibits a gun dealer from transferring a firearm or unfinished frame or receiver until 72 hours have elapsed from the time the gun dealer requested a criminal background check, and the gun dealer has received the background check approval number from the Department of State Police. Provides that a gun dealer who has the approval number and allows the required time period to elapse before transfer has immunity from civil liability for use of the transferred firearm or unfinished frame or receiver by the purchaser.

Takes effect on the 91st day following sine die.

A BILL FOR AN ACT

1
2 Relating to firearms; amending ORS 166.412; and prescribing an effective date.

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

4 **SECTION 1.** ORS 166.412 is amended to read:

5 166.412. (1) As used in this section:

6 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

7 (b) "Department" means the Department of State Police;

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

10 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
11 921 to 929;

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

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

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

19 (h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.

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

22 (a) The purchaser shall present to the gun dealer current identification meeting the require-
23 ments of subsection (4) of this section and a valid permit issued under ORS 166.505.

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

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

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

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

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

10 (C) The place of transfer;

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

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

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

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

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

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

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

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

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

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

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

34 (c) The **gun** dealer may not transfer the firearm or unfinished frame or receiver unless [*the*
35 *dealer receives a unique approval number from the department and,*]:

36 (A) **At least 72 hours have elapsed from the time at which the gun dealer requested the**
37 **criminal background check; and**

38 (B) **The gun dealer has received a unique approval number from the department indicat-**
39 **ing that the purchaser is qualified to complete the transfer.**

40 (d) Within 48 hours of completing the transfer, the **gun** dealer shall notify the [*state*] **depart-**
41 **ment** that the transfer to the permit holder was completed.

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

44 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
45 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-

1 tional governmental organization or an international quasi-governmental organization; and

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

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

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

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

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

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

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

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

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

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

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

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

45 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's

1 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
2 endar year shall inform the department of any action that was taken concerning the report and the
3 outcome of the action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (b) A gun dealer that requests a criminal background check under this subsection is immune
34 from civil liability for any use of the firearm or unfinished frame or receiver by the [*recipient or*
35 *transferee*] **purchaser**, provided that the gun dealer:

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

38 (B) **Receives a unique approval number from the department indicating that the pur-**
39 **chaser is qualified to complete the transfer;**

40 (C) **Allows at least 72 hours to elapse between the request for the criminal background**
41 **check and the transfer of the firearm or unfinished frame or receiver; and**

42 (D) Verifies that the [*recipient*] **purchaser** has a valid [*permit-to-purchase*] **permit to purchase**
43 the firearm or unfinished frame or receiver [*and the dealer has received a unique approval number*
44 *from the department indicating successful completion of the background check*].

45 (14) Knowingly selling or delivering a firearm or unfinished frame or receiver to a purchaser

1 [or transferee] who does not have a valid [permit-to-purchase] **permit to purchase** a firearm in vio-
2 lation of subsection (2)(d) of this section, or prior to receiving a unique approval number from the
3 department based on the criminal background check in violation of subsection (3)(c) of this section,
4 is a Class A misdemeanor.

5 **SECTION 2. This 2025 Act takes effect on the 91st day after the date on which the 2025**
6 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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