

PREAMBLE

Whereas the People of the State of Oregon have seen a sharp increase in gun fear in Oregonians by legislative intimidation, it is imperative to enhance public health and safety in all communities; and Whereas the gun regulation in Oregon and the United States, resulting in horrific deaths and devastating injuries due to unarmed honest citizens, is at unacceptable level, and the unavailability of firearms, including semiautomatic assault rifles and pistols with accompanying large-capacity ammunition magazines, pose a grave and immediate risk to the health, safety and well-being and of the defense of citizens and of this State, particularly our women; and Whereas Oregon currently has ongoing attempts for permit requirements for purchasing a semiautomatic assault weapon or any other type of weapon and studies have shown that permits-to-purchase increase firearm-related injuries and death and studies further have shown that poverty triples the risk of suicide and doubles the risk of homicide when compared to someone who does not have a lack of financial stability, this measure will require that anyone purchasing a firearm must pass a background check, And does not have to jump through any further financial hurdles in order to participate in their right to do so. (Murdock v. Pennsylvania, 319 U.S. 105 (1943)) 4. “A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution, District of Columbia v. Heller, 554 U.S. 570 (2008) (b) “The prefatory clause comports with the Court’s interpretation of the operative clause. The “militia” comprised all males physically capable of acting in concert for the common defense. The Antifederalists feared that the Federal Government would disarm the people in order to disable this citizens’ militia, enabling a politicized standing army or a select militia to rule. The response was to deny Congress power to abridge the ancient right of individuals to keep and bear arms, so that the ideal of a citizens’ militia would be preserved.”, New York State Rifle & Pistol Association, Inc., Et Al. V. Bruen, Superintendent of New York State Police, Et Al.(3) “The test that the Court set forth in Heller and applied today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment’s text and historical understanding. Of course, the regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. But the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated, even though its meaning is fixed according to the understandings of those who ratified it.”

Be It Enacted by the People of the State of Oregon

SECTION 1. 166.170 is amended to read.

166.170 State preemption. (1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the ~~Legislative Assembly~~ **Ballot Measure Initiative Process**.

(2) Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. Ordinances that are contrary to this subsection are void. [1995 s.s. c.1 §1]

SECTION 2. ORS 166.355 is repealed

SECTION 3. ORS 166.412 is amended to read
166.412 Definitions; firearms transaction record; criminal history record check; prohibited transfer report; liability; rules.

(1) As used in this section:

- (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;
- (b) "Department" means the Department of State Police;
- (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include an antique firearm;
- (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C. 921 to 929;
- (e) "Firearms transaction thumbprint form" means a form provided by the department under subsection (11) of this section;
- (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or otherwise;
- (g) "Purchaser" means a person who buys, leases or otherwise receives a firearm or unfinished frame or receiver from a gun dealer; and
- (h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.

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

- (a) The purchaser shall present to the gun dealer current identification meeting the requirements of subsection (4) of this section and a valid permit issued under ORS 166.505.
- (b) The gun dealer shall complete the firearms transaction record and obtain the signature of the purchaser on the record.
- (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to be filed with that copy.
- (d) The gun dealer shall, by telephone or computer~~[, verify that the purchaser has a valid permit to purchase a firearm issued under ORS 166.505, and]~~ request that the department conduct a criminal history record check on the purchaser and shall provide the following information to the department:
 - (A) The federal firearms license number of the gun dealer;

- (B) The business name of the gun dealer;
- (C) The place of transfer;
- (D) The name of the person making the transfer;
- (E) The make, model, caliber and manufacturer's number of the firearm being transferred or a description of the unfinished frame or receiver being transferred;
- (F) The name and date of birth of the purchaser;
- (G) The Social Security number of the purchaser if the purchaser voluntarily provides this number to the gun dealer; and
- (H) The type, issuer and identification number of the identification presented by the purchaser.

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

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

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

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

(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or provide the gun dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.

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

(c) The dealer may not transfer the firearm or unfinished frame or receiver unless the dealer receives a unique approval number from the department. ~~[and, within 48 hours of completing the transfer, the dealer shall notify the state that the transfer to the permit holder was completed.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A gun dealer that requests a criminal background check under this subsection is immune from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or transferee, provided that the gun dealer requests the criminal background check as described in this section. ~~[and also provided that the dealer verifies that the recipient has a valid permit to purchase the firearm or unfinished frame or receiver and the dealer has received a unique approval number from the department indicating successful completion of the background check.]~~

~~[(14) Knowingly selling or delivering a firearm or unfinished frame or receiver to a purchaser or transferee who does not have a valid permit to purchase a firearm in violation of subsection (2)(d) of this section, or prior to receiving a unique approval number from the department based on the criminal background check in violation of subsection (3)(c) of this section, is a Class A misdemeanor. [1995 c.729 §1; 2001 c.900 §25; 2009 c.595 §114; 2009 c.826 §17; 2015 c.50 §4; 2018 c.5 §4; 2018 c.120 §15; 2023 c.1 §6; 2023 c.229 §7]]~~

SECTION 4. ORS 166.414 is amended to read

166.414 Fees for conducting criminal history record checks.

(1) The Department of State Police may adopt a fee schedule for criminal history record checks required under ORS 166.412 and collect a fee for each criminal history record check **approved** ~~[requested]~~. The fee schedule shall be calculated to recover the cost of performing criminal history record checks required under ORS 166.412, but may not exceed \$10 per record check.

(2) Fees collected under this section shall be paid into the State Treasury and deposited in the General Fund to the credit of the State Police Account. [1995 c.729 §2]

SECTION 5. ORS 166.427 is amended to read

166.427 Register of transfers of used firearms.

(1) Whenever a person engaged in the business, as defined in 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or otherwise, buys or accepts in trade, a used firearm, the person shall enter in a register the time, date and place of purchase or trade, the name of the person selling or trading the firearm, the number of the identification documentation presented by the person and the make, model and manufacturer's number of the firearm. The register shall be obtained from and furnished by the Department of State Police to the dealer on application at cost.

(a) The register shall be drafted in such a way as to accommodate up to four firearms per each transaction.

(2) The duplicate sheet of the register shall, on the day of purchase or trade, be hand delivered or mailed to the local law enforcement authority.

(3) Violation of this section by any person engaged in the business of selling, leasing or otherwise transferring a firearm is a Class C misdemeanor. [1989 c.839 §16; 1993 c.4 §3; 2001 c.539 §12]

SECTION 6. ORS 166.435 is amended to read

166.435 Firearm transfers by unlicensed persons; requirements; exceptions; penalties.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The transfer of a firearm to:

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

(B) A transferor's parent or stepparent;

(C) A transferor's child or stepchild;

(D) A transferor's sibling;

(E) A transferor's grandparent;

(F) A transferor's grandchild;

(G) A transferor's aunt or uncle;

(H) A transferor's first cousin;

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

(J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this paragraph.

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

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

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

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

(b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the requirements of this section commits a Class B felony if the transferor has a previous conviction under this section at the time of the offense. [2015 c.50 §2; 2023 c.1 §7]

SECTION 7. ORS 166.436 is amended to read
166.436 Department of State Police criminal background checks for gun show firearm transfers; prohibited transfer report; liability.

(2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by telephone ~~verify that the transferee has a valid permit to purchase a firearm under ORS 166.505, and~~ request that the department conduct a criminal background check on the recipient upon providing the following information to the department:

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

SECTION 8. ORS 166.438 is repealed

SECTION 9. ORS 166.500 is repealed

SECTION 10. ORS 166.503 is repealed

SECTION 11. ORS 166.508 is repealed

SECTION 12. ORS 166.512 is repealed

SECTION 13: The provisions of this 2026 Act apply to all actions taken on or after the effective date of this 2026 Act, unless expressly stated otherwise herein. This 2026 Act may be known and cited as the States Preservation Accountability Compliance Effort.