

NW Gun Law Group Memorandum

The Oregon Firearms Safety Act (SB 941)

December 31, 2015

INTRODUCTION AND DISCLAIMER

This Memorandum summarizes certain changes to Oregon firearms law referred to as the Oregon Firearms Safety Act “the Act” signed into law in May 2015, enforced on and after August 9, 2015.¹ It does not address all provisions of the Act nor is it intended as legal advice; no attorney representation or attorney-client relationship is created, intended or implied by distribution to any individual or entity. This Memorandum is provided for informational and educational purposes and may not be relied upon as a legal opinion or for other purposes absent a written fee agreement with the author.

DISCUSSION

The Act amended Oregon firearms law when it was signed on May 11, 2015. However, enforcement was delayed until August 9, 2015 to provide the State Police time to adopt compliance procedures. The Act adds a criminal background check prior to a *private-party transfer* of a *firearm* to existing law.

Failure to comply with the Act risks criminal liability. Oregon law contains both exclusions and exceptions to the background check requirement. See [OREGON FIREARMS SAFETY ACT HIGHLIGHTS](#) published by the Oregon State Police available on their website.

DEFINITIONS & EXCLUSIONS (See [Enrolled Bill](#) Section 2(1)(a))

A firearm “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. A “transferor” is a person who intends to transfer the firearm and “transferee” is a person who intends to receive it. A “person” can be an individual or an entity. The Act adds enhanced background checks to current law for private party transfers.

Certain temporary loans of a firearm to another are excluded from the definition of a “transfer” so that a background check is not required. You are excluded from the Oregon background check requirement when:

1. You have no reason to believe the other person is prohibited from firearm possession or to use it in the commission of a crime **AND**
2. You make the temporary loan:
 - a. While at a shooting range, gallery or other area designed for target shooting, practice, firearms safety or training, or similar lawful activity;
 - b. For and while hunting, trapping or target shooting, during the time in which the other person is so engaged;

¹ The 2015 Oregon Firearms Safety Act creates new provisions to ORS 166, and amends ORS 166.250, 166.291, 166.412, 166.422, 166.432, 166.433, 166.434, 166.436, 166.438, 166.460, 166.470, 181.150, 181.740 and 426.133.

- c. While the other person and firearm are in your presence;
- d. While being repaired by a person or company in the business of firearms repair;
- e. To prevent imminent death or serious physical injury, and only so long as the loan is necessary to prevent the death or serious physical injury.

EXCEPTIONS (See Enrolled Bill Section (4)(a-d))

A background check is required unless an exception applies. Note that private-party firearm transfers must be conducted through an FFL with both parties present or at a gun show with a background check through an FFL or OSP as described in [ORS 166.436](#) and [ORS 166.438](#) prior to the transfer.

Exceptions are:

1. 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;
2. the transfer of a firearm as part of a firearm turn-in or buyback event with a law enforcement agency;
3. the transfer of a firearm to an immediate family member²
4. 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 111.005³, 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. Transfer of service weapons under ORS 181.150 (existing law.)

For a consultation on how to protect and enjoy your firearms under Oregon law, call the NW Gun Law Group at (855) 486-3629 or contact us on the web at www.nwgunlawgroup.com.

² From a transferor to a spouse or domestic partner, parent or stepparent, child or stepchild, sibling, grandparent, grandchild, aunt or uncle, first cousin, niece or nephew, or the spouse or domestic partner of a parent or stepparent, child or stepchild, sibling, grandparent, grandchild, aunt or uncle, first cousin, niece or nephew OR from a spouse or domestic partner to any of these individuals.

³ ORS 111.105 Definition: Personal representative includes executor, administrator, administrator with will annexed and administrator de bonis non, but does not include special administrator.