

ARTICLE ____ . FIREARMS CONTROL

Preliminary Draft No. 1; March 1970

Section 1. Definitions. As used in this Article, unless the context requires otherwise:

- (1) "Dealer" means a person required to keep a register under section 13 of this Article.
- (2) "Department" means Department of State Police.
- (3) "Firearm" means a handgun, rifle, shotgun or any other device, by whatever name known, which is designed or may be converted to expel or hurl a projectile by the action of an explosion or expansion of gas, except a device designed or re-designed for use solely as a signaling, line-throwing, safety or industrial device.
- (4) "Handgun" means a pistol, revolver or other firearm having a barrel less than 12 inches in length.
- (5) "Identification card" means a firearms purchase identification card issued under section 5 of this Article.
- (6) "Long gun" means a rifle or shotgun.
- (7) "Permit" means a handgun purchase permit issued under section 5 of this Article.

Section 2. Long guns; sale or purchase requirements.

(1) Except as provided in section 14 of this Article, no person shall:

(a) Purchase or otherwise acquire a long gun or ammunition therefor unless he first obtains an identification card; or

(b) Sell or otherwise transfer a long gun or ammunition therefor to any other person unless the other person possesses a valid identification card.

(2) Violation of this section is a _____.

Section 3. Handguns; sale or purchase requirements.

(1) Except as provided in section 14 of this Article, no person shall:

(a) Purchase or otherwise acquire a handgun or ammunition therefor unless he first obtains an identification card and a permit; or

(b) Sell or otherwise transfer a handgun or ammunition therefor to any other person unless the other person possesses a valid permit and identification card.

(2) Violation of this section is _____.

Section 4. Firearms owned or possessed; identification card or permit required. (1) Except as provided in section 14 of this Article, a person who owns or possesses a firearm on the effective date of this Article shall, within 180 days thereafter, sell or otherwise dispose of the firearm or obtain an identification card if the firearm is a long gun, or obtain both an identification card and a permit if it is a handgun.

(2) A person moving into the state shall, within 90 days after becoming domiciled in the state, sell or otherwise dispose of any firearm he owns or possesses or obtain a permit or identification card as required under subsection (1) of this section.

Section 5. Permits or identification cards. (1) The department shall issue, upon application, a permit or identification card to any person who is not ineligible under section 6 of this Article.

(2) The department shall issue the permit or identification card within 10 days after it receives the application of a resident of this state, or within 15 days after it receives the application of a nonresident.

(3) A permit shall be valid for a period of 90 days from the date of issuance and may be renewed by the department for good cause for an additional 90 days.

(4) An identification card shall be valid permanently unless revoked or suspended or until such time as the holder becomes subject to any of the disabilities set forth in section 6 of this Article, whereupon the card shall be void and shall be returned by the holder to the department within five days.

Section 6. Permits or identification cards; persons ineligible to obtain. The department shall not issue a permit or identification card to an applicant who:

(1) Has been convicted of a crime involving the use of force or violence, the use or attempted use of a dangerous or deadly weapon, the use of a narcotic or dangerous drug or the negligent or reckless use of a firearm; or

(2) Suffers from a physical defect or illness that would make it unsafe for him to handle firearms or who has been confined in a hospital or mental institution for the treatment of drug addiction, alcoholism or mental illness, unless the applicant produces a certificate executed by a physician attesting that the applicant no longer suffers from the disability in such a manner that would interfere with or handicap the applicant in the handling of firearms; or

(3) Is less than 18 years of age, except that an applicant who is 15 years of age or older shall be eligible for an identification card if his parent or lawful guardian submits a certification granting the applicant permission to apply for the identification card; or

(4) Uses a fictitious name or makes a material misrepresentation in the application for a permit or identification card.

Section 7. Applications for permits or identification cards; form; contents. (1) The department shall prepare an application form designed to contain the information required under subsection (3) of this section. Application forms shall be mailed to dealers and also shall be available to any other person upon request.

(2) A person requesting a permit or identification card shall mail or deliver to the department a completed application. The application shall be accompanied by a fee of \$_____.

(3) An application for either a permit or an identification card shall contain:

(a) The name, residence, citizenship, place of business, age, date of birth, occupation, sex and physical description of the applicant; and

(b) A statement by the applicant that he is not ineligible to obtain a permit or identification card because of any of the disabilities set forth in section 6 of this Article; and

(c) The applicant's signature.

(4) An application for a permit shall contain the following additional information:

(a) The applicant's fingerprints; and

(b) A description of the handgun, including the name and address of the manufacturer, the manufacturer's identification or serial number, letters or marks and any other identifying features of the weapon.

Section 8. Permits and identification cards; form; contents.

The department shall prepare permit and identification card forms designed to identify the holder thereof, and, where appropriate, the handgun being purchased.

Section 9. Identification card; suspension or revocation.

The department may suspend or revoke the identification card on any of the grounds set forth in section 6 of this Article.

Section 10. Identification card or permit; procedure for denial, suspension or revocation. (1) When an applicant is denied a permit or identification card or an identification card is suspended or revoked, the department shall prepare a written order and written findings of fact and law. A copy of the order and findings shall be delivered or mailed to the applicant or permit holder before the 11th day after the day the order was issued. The applicant or permit holder may appeal the department's order in the manner set forth in ORS 183.480 for appeal from the final decision of an agency in a contested case.

(2) Except as provided in this section, ORS 183.310 to 183.510 does not apply to a refusal to issue, suspension or revocation of an identification card or to a refusal to issue a permit.

Section 11. Number of firearms not restricted. (1) A person shall not be restricted as to the number of handguns he may purchase, if he applies for and obtains permits as provided in this Article, but only one handgun shall be purchased or delivered on each permit. However, only a single permit shall be required under section 4 of this Article for all handguns acquired by a person before the effective date of this Article, provided that each handgun is separately identified in the application.

(2) A person shall not be restricted as to the number of long guns he may purchase, provided he possesses a valid identification card at the time of each purchase.

Section 12. Firearm receipt certificate; requirements.

(1) A person who purchases or otherwise obtains a firearm from a nondealer shall mail or deliver a firearm receipt certificate to the department before the third day after the day the person purchases or otherwise obtains the firearm.

(2) The department shall prepare a firearm receipt certificate form. The certificate form shall be designed to contain the information required on a register by section 13 of this Article and shall be in a form similar to the form provided in section 13.

(3) Firearm receipt certificate forms shall be mailed to each dealer, the head of the police department of each city in this state, and upon request, any other person.

Section 13. Firearms transfer register;
form and content of register and by whom main-
tained. (1) Except as provided in subsection
(4) of this section, every person in the business

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| Existing Law |
| ORS |
| 166.420 |

of selling, leasing or otherwise transferring firearms, whether he is a retail dealer, pawnbroker or otherwise, shall maintain a register in which shall be entered the time, date and place of sale, the purchaser's identification card or permit number, the make, model, manufacturer's number and caliber or other marks of identification on the firearm. The register shall be prepared by and obtained from the State Printer in the form provided in subsection (5) of this section, and shall be furnished by the State Printer to the dealer on application at a cost of \$5 per 100 leaves, in duplicate.

(2) The purchaser of any firearm shall be required by the dealer to sign his name and affix his address to the register in duplicate. The salesman shall affix his signature in duplicate as a witness to the signature of the purchaser.

(3) The duplicate sheet of the register shall, on the evening of the day of sale, be placed in the mail, postage prepaid, and properly addressed to the Department of State Police, Salem, Oregon.

(4) This section does not apply to wholesale dealers in their business transactions with retail dealers, nor to the regular or ordinary transportation by wholesale or retail dealers of unloaded firearms as merchandise.

(5) The register provided for in this section shall be in the following form:

Series No.....
 Sheet No.....

ORIGINAL
(DEALERS' RECORD OF SALE OF FIREARM

State of Oregon

Notice to Dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to the Oregon Department of State Police. Failure to comply is punishable as a misdemeanor or by forfeiture of seller's retail firearms license, or both. Use carbon paper for duplicate. Use indelible pencil.

Sold by..... Salesman.....
 City, town or township.....
 Description of arm (state whether revolver or pistol).....
 Maker..... Number..... Caliber.....
 Name of purchaser..... Age..... years
 Permanent address (state name of city, town or township, street and number of dwelling).....
 Height..... feet..... inches. Occupation.....
 Eyes..... Hair.....
 If traveling, or in locality temporarily, give local address.....
 Signature of purchaser.....
 (Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)
 Witness..... Salesman.
 (To be signed in duplicate.)

Series No.....
 Sheet No.....

DUPLICATE
(DEALERS' RECORD OF SALE OF FIREARM

State of Oregon

Notice to Dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by..... Salesman.....
 City, town or township.....
 Description of arm (state whether revolver or pistol).....
 Maker..... Number..... Caliber.....
 Name of purchaser..... Age..... years
 Permanent address (state name of city, town or township, street and number of dwelling).....
 Height..... feet..... inches. Occupation.....
 Eyes..... Hair.....
 If traveling, or in locality temporarily, give local address.....
 Signature of purchaser.....
 (Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)
 Witness..... Salesman.
 (To be signed in duplicate.)

Section 14. Identification cards and permits; exemptions.

(1) Nothing contained in this Article shall require:

(a) A member of the Armed Forces of the United States or the organized militia of this state to obtain a permit or identification card before receiving a firearm officially issued to him for use when on duty.

(b) A policeman or other peace officer to obtain a permit or identification card before purchasing or otherwise obtaining a firearm for use when on duty.

(c) A person to obtain a permit or identification card before purchasing or otherwise obtaining a firearm which is not usable as a weapon and is kept solely as a war relic, museum piece or ornament.

(d) A dealer to obtain a permit or identification card before purchasing or otherwise obtaining a firearm for resale in the regular course of his business.

(2) Notwithstanding sections 2 to 4 of this Article, a permit or identification card shall not be required for the transfer of a firearm upon the death of the owner. However, the person who receives the firearm shall obtain a permit or identification card or dispose of the firearm within 180 days after the day he receives the firearm.

Section 15. (1) The State Police Permit Account is established in the General Fund of the State Treasury.

(2) Not later than the 10th day of each month, the department shall pay into the State Police Permit Account all moneys received by it pursuant to this Act during the preceding calendar month. The moneys in the State Police Permit Account are appropriated continuously to the department to pay its expenses in administering and enforcing this Act.

Section 16. (1) There is appropriated to the Department of State Police, for the biennium beginning _____, out of the General Fund the sum of \$ _____ for the purpose of carrying out the provisions of this Act.

(2) When the Executive Department determines that moneys in sufficient amount are available in the State Police Permit Account created by section 15 of this Act, but in no event later than June 30, 19___, the Executive Department shall reimburse the General Fund without interest, in the amount equal to the amount from the General Fund appropriated and expended as provided in subsection (1) of this section. The moneys used to reimburse the General Fund under this subsection shall not be considered as a budget item on which a limitation is otherwise fixed by law, but shall be in addition to any specific biennial appropriations or amounts authorized to be expended from continuously appropriated moneys for any biennial period.