



## Oregon

### Summary of State Firearms Law

Last Updated March 8, 2012

#### Overview

In its publication [\*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics\*](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. Oregon ranked 21 out of 50 – having enacted few gun violence prevention laws. Among its gun violence prevention provisions, Oregon:

- Requires unlicensed sellers to perform a background check at a [gun show](#) before transferring any firearm; and
- Has established a *voluntary* process by which an unlicensed gun seller may request that the Oregon Department of State Police perform a criminal background check on a prospective firearms recipient. The State Police must process such requests.

Oregon also gives law enforcement limited discretion to deny [a concealed handgun permit](#).

Oregon does **not**, however:

- Require a background check prior to [the transfer of a firearm between private parties](#), except at gun shows;
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- License or significantly regulate [firearms dealers](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases;
- Regulate [unsafe handguns](#);
- Significantly [regulate ammunition sales](#); or
- Allow [local governments to regulate](#) firearms.

## Oregon Statistics

### Gun Deaths in Oregon

Oregon ranks 28<sup>th</sup> among the states in number of gun deaths per capita. In 2009, 417 people died from firearm-related injuries in Oregon.<sup>1</sup>

### Crime Guns in Oregon

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Oregon](#) supplied the 26<sup>th</sup> highest number of crime guns to other states per capita. Oregon exports more crime guns than it imports.<sup>2</sup> Oregon is the state that supplies the highest number of out-of-state crime guns to Washington, and supplies the second highest number to Idaho.<sup>3</sup>

### Number of Federally Licensed Firearms Dealers in Oregon

There are 1,392 federally licensed firearms dealers and pawnbrokers in Oregon.<sup>4</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at [http://webappa.cdc.gov/sasweb/ncipc/dataRestriction\\_inj.html](http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html). (Jan. 2012).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> Mayors Against Illegal Guns, *Trace the Guns*, at [www.tracetheguns.org](http://www.tracetheguns.org).

<sup>4</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Jan. 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

## Oregon State “Right to Bear Arms”

The Oregon Constitution provides for the keeping and bearing of arms, but permits broad firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in Oregon**

Oregon has preempted most areas of local firearms regulation. See [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies in Oregon

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### Oregon Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Oregon prohibits the possession of a firearm by any person who:

- Is under age 18;
- While a minor, was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a "misdemeanor involving violence" (including any assault in the fourth degree, strangulation, menacing, recklessly endangering another person, or intentionally subjecting another to offensive physical contact because of a perception of the other's race, color, religion, national origin or sexual orientation), and was discharged from the jurisdiction of the juvenile court within the previous four years;
- Has been convicted of a felony;
- Was found "guilty, except for insanity" of a felony;
- Was committed to the Oregon Health Authority; or
- Was found to be mentally ill and subject to an order that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness.<sup>5</sup>

Oregon also prohibits the possession of a firearm by a person convicted of a felony under the laws of any state or the United States, unless:

- The offense was for possession of marijuana and the conviction was prior to January 1, 1972;
- The person was convicted of only one felony which did not involve criminal homicide or the possession or use of a firearm or a weapon having a blade that projects or swings into position by force of a spring or by centrifugal force, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of the alleged violation; or

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<sup>5</sup> Or. Rev. Stat. § 166.250(1)(c).

- The person was granted relief from the disability under federal or state law or has had his or her record expunged.<sup>6</sup>

Other provisions in Oregon law prohibit the possession of a firearm by a person:

- Sentenced to probation during the term of probation;<sup>7</sup>
- Committed to a correctional institution while under the jurisdiction of the institution or while being conveyed to or from an institution;<sup>8</sup> or
- Who has committed with any type of firearm murder in any degree or manslaughter, either voluntary or involuntary, or who in a careless or reckless manner kills or injures another with a firearm.<sup>9</sup>

Oregon prohibits any person from intentionally selling, delivering, or otherwise transferring a firearm when the transferor knows or reasonably should know that the recipient:

- Has been convicted of a felony or found "guilty except for insanity" of a felony;
- Has any outstanding felony warrants for arrest;
- Is free on any form of pretrial release for a felony;
- Was committed to the Oregon Health Authority;
- After January 1, 1990, was found to be mentally ill and subject to an order that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; or
- Has been convicted of a "misdemeanor involving violence" or found "guilty except for insanity" of a misdemeanor involving violence<sup>10</sup> within the previous four years. A "misdemeanor involving violence" means assault in the fourth degree, strangulation, menacing, recklessly endangering another person, or intentionally subjecting another to offensive physical contact because of a perception of the other's race, color, religion, national origin or sexual orientation.<sup>11</sup>

This provision does not apply if the recipient was granted relief from the disability under federal or state law or has had his or her record expunged.<sup>12</sup>

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<sup>6</sup> Or. Rev. Stat. § 166.270.

<sup>7</sup> Or. Rev. Stat. § 137.540(1)(l).

<sup>8</sup> Or. Rev. Stat. § 166.275.

<sup>9</sup> Or. Rev. Stat. § 166.300.

<sup>10</sup> Or. Rev. Stat. § 166.470(1)(g).

<sup>11</sup> Or. Rev. Stat. § 166.470(1).

<sup>12</sup> Or. Rev. Stat. § 166.470(1).

In Oregon, if a court finds that there is a reasonable likelihood that a mentally ill person would constitute a danger to himself or herself or others or to the community at large as a result of the person's mental or psychological state, the court must order that the person be prohibited from purchasing or possessing firearms.<sup>13</sup>

Oregon does not require a background check for private firearms transfers. See the [Oregon Private Sales](#) section. A background check is required for any firearm transfer at a gun show, however. See the [Oregon Gun Shows](#) section. For information on the background check process used to enforce these provisions, see the [Oregon Background Checks](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

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<sup>13</sup> Or. Rev. Stat. § 426.130(1)(b)(D).

## Oregon Minimum Age to Purchase / Possess

Oregon prohibits any person under age 18 from knowingly possessing a firearm.<sup>14</sup> A minor is not prohibited from possessing a firearm:

- Other than a handgun, if the firearm was transferred to the minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian; or
- Temporarily for hunting, target practice or any other lawful purpose.<sup>15</sup>

In addition, Oregon prohibits any person from selling, delivering or otherwise transferring a firearm to anyone under age 18.<sup>16</sup> Exceptions to this prohibition allow a minor's parent or guardian to consent to the transfer of a long gun to the minor and allow the temporary transfer of a firearm to a minor for hunting, target practice or any other lawful purpose.<sup>17</sup> [Federal age restrictions](#) impose stricter limits regarding handguns.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>14</sup> Or. Rev. Stat. § 166.250(1)(c)(A).

<sup>15</sup> Or. Rev. Stat. § 166.250(2)(a).

<sup>16</sup> Or. Rev. Stat. § 166.470(1)(a).

<sup>17</sup> Or. Rev. Stat. § 166.470(3).

## Domestic Violence and Firearms in Oregon

*(This section was last updated on October 15, 2010.)*

Oregon has no laws regarding the removal or surrender of firearms when domestic violence restraining or protective orders are issued or at the scene of a domestic violence incident, or providing notice to domestic abusers when [federal law](#) prohibits them from possessing firearms.

### Firearm Prohibitions for Domestic Violence Misdemeanants

While Oregon does not explicitly prohibit the possession of a firearm by domestic violence misdemeanants, the state does prohibit any person from intentionally selling, delivering, or otherwise transferring any firearm when the transferor knows or reasonably should know that the recipient has been convicted of a "misdemeanor involving violence" or found "guilty except for insanity" of a misdemeanor involving violence within the previous four years.<sup>18</sup> A "misdemeanor involving violence" includes an assault in the fourth degree (intentionally, knowingly or recklessly causing physical injury to another or, with criminal negligence, causing physical injury to another by means of a deadly weapon), strangulation, menacing, recklessly endangering another person, or intimidation in the second degree (involving, *inter alia*, the intentional subjection of another to offensive physical contact because of a perception of the other's race, color, religion, national origin or sexual orientation).<sup>19</sup> [Federal law](#) also applies.

### Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

In suits for marital annulment, dissolution or separation, prior to a general judgment, a court must include terms in the interim protective order that trigger the [federal law](#) prohibiting the possession of firearms by domestic violence protective order defendants, if the party had notice and an opportunity to be heard, and the party has the potential to molest or interfere with the other party or minor children or is being required by the court to move out of the family home for the sake of minor children.<sup>20</sup> A similar provision concerns protective orders against stalking.<sup>21</sup>

Oregon has no other laws prohibiting individuals subject to domestic violence protective orders from possessing firearms or ammunition.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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<sup>18</sup> Or. Rev. Stat. § 166.470(1)(g).

<sup>19</sup> *Id.*

<sup>20</sup> Or. Rev. Stat. § 107.095(5).

<sup>21</sup> Or. Rev. Stat. §§ 30.866(10), 163.738(1)(a)(H). (2)(b). See Or. Rev. Stat. § 107.718(11).

## **Disarming Prohibited Persons in Oregon**

*(This section was last updated on October 15, 2010.)*

Oregon has no law requiring the removal of firearms from persons who have become [prohibited from possessing them](#).

## Sales & Transfers

### Background Checks in Oregon

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Oregon is a point of contact state for the NICS.<sup>22</sup> Before the sale or transfer of any firearm, a firearms dealer must request by telephone that the Oregon Department of State Police (DSP) conduct a criminal history record check on an applicant using NICS and state databases (including the state’s mental health data system).<sup>23</sup> For this purpose, the dealer must check the purchaser’s identification, complete a firearms transaction record, and obtain the signature and thumbprints of the purchaser.<sup>24</sup> If DSP is unable to determine, within 30 minutes, whether the purchaser is qualified or disqualified from completing the transfer, DSP shall notify the dealer and provide the dealer with an estimate of the time when DSP will provide the requested information.<sup>25</sup> If DSP fails to provide the dealer with an approval number or notify the gun dealer that the purchaser is disqualified from obtaining the firearm before the close of the gun dealer’s next business day following the dealer’s background check request, the dealer may deliver the firearm to the purchaser.<sup>26</sup>

All background checks for firearm transfers include a search of Oregon’s computerized criminal history system, the Law Enforcement Data System, NICS, the state stolen guns system, and the state mental health data system.<sup>27</sup>

Oregon does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm, [except at gun shows](#). See [Regulating Guns in America: Private Sales](#) for further information.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

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<sup>22</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>.

<sup>23</sup> Or. Rev. Stat. §§ 166.412(2)(d), 166.432(1), 166.434(1).

<sup>24</sup> Or. Rev. Stat. § 166.412(2)(a)-(c).

<sup>25</sup> Or. Rev. Stat. § 166.412(3)(b).

<sup>26</sup> Or. Rev. Stat. § 166.412(3)(c).

<sup>27</sup> Or. Rev. Stat. § 166.432. For DSP’s rules regarding background checks, see Or. Admin. R. 257-010-0010 *et seq.*

## Mental Health Reporting in Oregon

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>28</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

In 2009, Oregon enacted a law requiring the Oregon Department of Human Services, the Oregon Health Authority, the Oregon Psychiatric Security Review Board and the Oregon Judicial Department to provide the Department of State Police (“DSP”) with the minimum information necessary to identify persons who:

- Have been committed by a court to the Oregon Health Authority or Department of Human Services based on a finding that the person is dangerous to self or others;
- Are subject to a court order finding the person mentally ill and prohibiting the person from purchasing or possessing a firearm;
- Have been found by a court to lack fitness to proceed during a criminal trial as a result of mental disease or defect;
- Have been found “guilty except for insanity” of criminal conduct;
- Have been found “responsible except for insanity” for an act under the Juvenile Code;
- Have been placed under the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority under certain provisions of Oregon law; or
- Have been committed to a state hospital or facility under certain provisions of Oregon law.<sup>29</sup>

Upon receipt of this information, DSP must “access and maintain the information and transmit the information to the federal government as required under federal law.”<sup>30</sup> The agencies listed above must enter into agreements describing the access to this information.<sup>31</sup> DSP must adopt rules describing the type of information to be transmitted and the method and manner of maintaining this information and transmitting this information to the federal government.<sup>32</sup>

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<sup>28</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

<sup>29</sup> Or. Rev. Stat. § 181.740.

<sup>30</sup> Or. Rev. Stat. § 181.740.

<sup>31</sup> Or. Rev. Stat. § 181.740.

<sup>32</sup> Or. Rev. Stat. § 181.740. “Minimum information necessary” means data elements or nominal information that is necessary or required under federal law to accurately identify the person and includes the person’s name, date of birth, gender and reference information that identifies the originating agency or court and enables the originating agency or court to locate an underlying record or file of a person described in this section. “Minimum information necessary” does not include any medical, psychiatric or psychological information, case histories or files of a person described in this section or any record or file of an originating agency or court. *Id.* For DSP’s rules regarding mental health reporting, see Or. Admin. R. 257-010-0010 *et seq.*

Oregon law specifically exempts information about these mental commitments from privacy rules so that the court is required to transmit the minimum information necessary, as defined above, to DSP for the individuals described above to enable DSP to “maintain the information and transmit the information to the federal government as required under federal law.”<sup>33</sup>

In Oregon, if a court finds that there is a reasonable likelihood that a mentally ill person would constitute a danger to himself or herself or others or to the community at large as a result of the person’s mental or psychological state, the court must order that the person be prohibited from purchasing or possessing firearms.<sup>34</sup> In such cases, Oregon requires courts to report such individuals to the sheriff of the county, who is required to enter the information into the Oregon Law Enforcement Data System.<sup>35</sup>

Oregon allows the persons listed above to petition for restoration of their eligibility to possess firearms under federal and state law, and provides for the reporting of individuals whose eligibility has been restored.<sup>36</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Oregon Background Checks](#) section and the section entitled [Oregon Prohibited Purchasers Generally](#).

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>33</sup> Or. Rev. Stat. §§ 426.160, 427.293.

<sup>34</sup> Or. Rev. Stat. § 426.130(1)(b)(D).

<sup>35</sup> *Id.*

<sup>36</sup> Or. Rev. Stat. § 166.274. See also 2009 Ore. ALS 826.

## **Multiple Purchases / Sales of Firearms in Oregon**

Oregon imposes no restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

## Retention of Sales / Background Check Records in Oregon

Oregon only requires reporting of certain firearm sales to law enforcement.<sup>37</sup> Whenever a federal firearms licensee buys or accepts in trade a used firearm, that person must enter in a register the time, date and place of purchase or trade, the name of 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.<sup>38</sup> A duplicate of the register must be hand delivered or mailed to the local law enforcement authority on the day of purchase or trade.<sup>39</sup>

Firearms dealers are required to retain a firearms transaction thumbprint form for five years after completion of the form.<sup>40</sup> A law enforcement agency may inspect the records of a gun dealer relating to firearm transfers only with the consent of the 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.<sup>41</sup>

Records of information obtained during a criminal records check request are exempt from disclosure under Oregon public records law.<sup>42</sup> The Oregon Department of Public Safety may retain a record of information obtained during a criminal records check request for no more than five years.<sup>43</sup>

See [\*Regulating Guns in America: Retention of Firearm Sales and Background Check Records\*](#) for a comprehensive discussion of this issue.

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<sup>37</sup> Or. Rev. Stat. § 166.427(2).

<sup>38</sup> Or. Rev. Stat. § 166.427(1).

<sup>39</sup> Or. Rev. Stat. § 166.427(2).

<sup>40</sup> Or. Rev. Stat. § 166.412(2)(f).

<sup>41</sup> Or. Rev. Stat. § 166.412(8). See Or. Rev. Stat. § 166.434 (making the requirements of section 166.412 applicable to all firearms).

<sup>42</sup> Or. Rev. Stat. § 166.412(7)(b), Or. Admin. R. 257-010-0010(4), Or. Admin. R. 257-010-0055(3).

<sup>43</sup> Or. Rev. Stat. § 166.412(7)(a), Or. Admin. R. 257-010-0055(2).

## **Oregon Waiting Periods**

Oregon has no law imposing a waiting period prior to the purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Oregon Dealer Regulations

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Oregon has no law requiring firearms dealers to obtain a state license or permit. However, firearms dealers are [subject to state laws governing gun sales generally](#).

The Superintendent of State Police may adopt rules necessary for the provision of a security system to identify dealers who request a criminal history record check, and for the creation and maintenance of a database of the business hours of gun dealers.<sup>44</sup>

For laws requiring dealers to:

- Conduct a background check on prospective firearm purchasers, see the [Oregon Background Checks](#) section.
- Retain records of firearm sales, see the [Retention of Sales/Background Check Records](#) section.

When a firearm is delivered by a dealer, it must be unloaded.<sup>45</sup>

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

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<sup>44</sup> Or. Rev. Stat. § 166.412(10).

<sup>45</sup> Or. Rev. Stat. § 166.412(9).

## Private Sales in Oregon

Although Oregon does not require background checks for private firearms transfers except at gun shows (see the [Oregon Gun Shows](#) section), the state provides a voluntary process by which unlicensed sellers may request that the Oregon Department of State Police (“DSP”) perform a criminal background check on a prospective firearms recipient.<sup>46</sup> If an unlicensed seller makes a background check request, DSP must process the request.<sup>47</sup> The procedures for these background checks are similar in substance to those required of a gun dealer. See the [Oregon Background Checks](#) section for further details.

The unique approval number that the transferor receives from DSP if the recipient is not prohibited from possessing a firearm constitutes “a permit valid for 24 hours for the requested transfer.”<sup>48</sup> The recipient of the firearm must be present when the transferor voluntarily requests the criminal background check.<sup>49</sup>

A transferor who receives notification that a recipient is qualified to complete the transfer is immune from civil liability for any use of the firearm from the time of the transfer.<sup>50</sup> This immunity does not apply:

- If the transferor knows, or reasonably should know, that the recipient is likely to commit an unlawful act involving the firearm;
- If the transferor knows, or reasonably should know, that the recipient intends to deliver the firearm to a third person who the transferor knows, or reasonably should know, may not lawfully possess the firearm; or
- In any product liability civil action under Or. Rev. Stat. §§ 30.900 to 30.920.<sup>51</sup>

Oregon prohibits any person from intentionally selling, delivering or otherwise transferring any firearm when the transferor knows or reasonably should know that the recipient falls within certain categories.<sup>52</sup> See the section entitled [Prohibited Purchasers Generally](#) for a list of these categories.

Except at gun shows in the state, Oregon has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>46</sup> Or. Rev. Stat. § 166.436(1), (3).

<sup>47</sup> *Id.*

<sup>48</sup> Or. Rev. Stat. § 166.436(3)(a)(B).

<sup>49</sup> Or. Rev. Stat. § 166.436(6).

<sup>50</sup> Or. Rev. Stat. § 166.436(7)(a).

<sup>51</sup> Or. Rev. Stat. § 166.436(7)(a), (c).

<sup>52</sup> Or. Rev. Stat. § 166.470(1).

## Oregon Gun Shows

Oregon law requires both firearms dealers and unlicensed sellers to perform background checks at gun shows before transferring any firearm.<sup>53</sup> A “gun show” is defined as an event at which more than 25 firearms are on-site and available for transfer.<sup>54</sup> For the laws applicable to firearms dealers, see the [Oregon Dealer Regulations](#) section.

Any person who is not a firearms dealer may not transfer a firearm at a gun show unless he or she either completes the transfer through a licensed dealer, or requests a criminal background check prior to transfer, receives notification that the person acquiring the firearm is qualified to receive the firearm, and has the recipient of the firearm complete the necessary state form, which the transferor must retain for at least five years and make available to law enforcement agencies for the purpose of criminal investigations.<sup>55</sup> A person who organizes a gun show must post in a prominent place at the show a notice explaining these requirements, and must provide the required form to any person transferring a firearm at the gun show.<sup>56</sup> These background check requirements will not be applied to a person who did not know, or reasonably could not know, that more than 25 firearms were at the site and available for transfer.<sup>57</sup>

See the [Oregon Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>53</sup> Or. Rev. Stat. §§ 166.434(1), 166.438.

<sup>54</sup> Or. Rev. Stat. § 166.432(2)(b).

<sup>55</sup> Or. Rev. Stat. § 166.438(1), (2).

<sup>56</sup> Or. Rev. Stat. § 166.438(3).

<sup>57</sup> Or. Rev. Stat. § 166.438(6).

## Oregon Immunity Statutes

*(This section was last updated on October 15, 2010.)*

A person other than a gun dealer who requests a voluntary background check on a prospective firearm transferee and receives notification that the transferee is qualified to complete the transfer is immune from civil liability for any use of the firearm from the time of the transfer.<sup>58</sup> See the [Oregon Private Sales](#) section for information about this immunity.

Any owner, operator or lessee of a shooting range is immune from civil or criminal liability and shall not be subject to an action for noise or noise pollution, and no court shall enjoin the use or operation of a shooting range, based upon an allegation of nuisance, as long as:

- The allegation results from the normal and accepted activity on the shooting range;
- The owner, operator or lessee complied with any applicable noise control law or ordinance existing at the time construction of the shooting range began or no noise control law or ordinance was then existing; and
- The allegation results from activity on the shooting range occurring between 7 a.m. and 10 p.m. or conducted for law enforcement training purposes.<sup>59</sup>

This immunity does not apply, however, to shooting activity conducted for law enforcement purposes unless such activity is limited to four nights a month and the owner, lessee or operator provides notice of the activity at least one week beforehand by publication in a newspaper of general circulation in the county where the range is located.<sup>60</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes](#) for further information.

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<sup>58</sup> Or. Rev. Stat. § 166.436(7)(a).

<sup>59</sup> Or. Rev. Stat. §§ 467.131, 467.133.

<sup>60</sup> Or. Rev. Stat. § 467.138.

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers in Oregon**

Oregon has no law requiring gun owners or purchasers to obtain a license.

See [\*Regulating Guns in America: Licensing of Gun Owners or Purchasers\*](#) for a comprehensive discussion of this issue.

## Oregon Registration of Firearms

The Oregon Department of State Police (“DSP”) may retain a record of the information obtained from performing a criminal records check prior to transfer of a firearm for no more than five years.<sup>61</sup> The record of information obtained during a request for a criminal records check by a gun dealer is exempt from disclosure under public records law.<sup>62</sup> A gun dealer may destroy the firearms transaction thumbprint form five years after completion of the form.<sup>63</sup>

See [\*Regulating Guns in America: Registration of Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>61</sup> Or. Rev. Stat. §§ 166.412(7)(a); 166.436(5)(a); Or. Admin. R. 257-010-0055(2).

<sup>62</sup> Or. Rev. Stat. § 166.412(7)(b); Or. Admin. R. 257-010-0055(3).

<sup>63</sup> Or. Rev. Stat. § 166.412(2)(f).

## **Reporting Lost or Stolen Firearms in Oregon**

Oregon does not require firearms owners to report the loss or theft of a firearm.

See [\*Regulating Guns in America: Reporting Lost or Stolen Firearms\*](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Concealed Weapons Permitting in Oregon

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Oregon does not prohibit a person from knowingly carrying a concealed firearm if he or she has a license to do so.<sup>64</sup> The license requirement does not apply to, *inter alia*, a person owning, possessing, or keeping a handgun within his or her residence or place of business, including a recreational vessel or recreational vehicle while used as residential quarters.<sup>65</sup>

Oregon is characterized as a “shall issue” state, meaning that local law enforcement must issue a concealed handgun license if the applicant meets certain qualifications.<sup>66</sup> Oregon provides law enforcement some discretion in issuing or denying such licenses, however. A sheriff may deny a license if the sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to himself or herself or others, or to the community at large, as a result of the applicant’s mental or psychological state, as demonstrated by a past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.<sup>67</sup> Any act or condition that would prevent the issuance of a license is also cause for revoking a license.<sup>68</sup>

The county sheriff shall issue a license if the applicant:

- Is a citizen of the United States or is a legal resident alien who can document continuous residency in the county for at least six months and has declared in writing to the United States Citizenship and Immigration Services the intent to acquire citizenship status and can present proof of the written declaration to the sheriff at the time of application for the license;
- Is at least 21 years of age;
- Is a resident of the county;
- Has no outstanding warrants for arrest;
- Is not free on any form of pretrial release;
- Demonstrates competence with a handgun by completing a course or class meeting the necessary specifications (see the Firearms Safety Training subsection, below);

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<sup>64</sup> Or. Rev. Stat. § 166.250(1)(a). Firearms carried openly in belt holsters are not considered concealed. Or. Rev. Stat. § 166.250(3).

<sup>65</sup> Or. Rev. Stat. § 166.250(2)(b).

<sup>66</sup> Or. Rev. Stat. § 166.291(1).

<sup>67</sup> Or. Rev. Stat. § 166.293(2).

<sup>68</sup> Or. Rev. Stat. § 166.293(3).

- Has never been convicted of a felony or found “guilty, except for insanity” of a felony;
- Has not been convicted of a misdemeanor or found “guilty, except for insanity” of a misdemeanor within the four years prior to the application;
- Has not been committed to the Oregon Health Authority;
- Has not been found to be mentally ill and is not subject to an order that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
- Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence;
- Has not been convicted of an offense involving controlled substances or participated in a court-supervised drug diversion program (with limited exceptions);
- Has not received a dishonorable discharge from the U.S. Armed Forces;
- Is not required to register as a sex offender in any state; and
- Is not subject to a citation for stalking or a protective order issued pursuant to certain statutory provisions.<sup>69</sup>

The application for a concealed handgun license also requires two character references in support of the applicant.<sup>70</sup>

### **Firearms Safety Training**

An applicant for a concealed handgun license must demonstrate competence with a handgun by completing a state-authorized course, class or competition, including:

- Completion of any hunter education or hunter safety course approved by the Oregon Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;
- Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;

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<sup>69</sup> Or. Rev. Stat. § 166.291(1). *See* Or. Rev. Stat. §§ 30.866 (actions for issuance or violation of stalking protective order), 107.700 to 107.735 (the Family Abuse Prevention Act) or 163.738 (court provisions regarding a stalking protective order).

<sup>70</sup> *See* Or. Rev. Stat. § 166.291.

- Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;
- Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;
- Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;
- Presenting evidence of equivalent experience with a handgun through participation in an organized shooting competition or military service; or
- Being licensed or having been licensed to carry a firearm in Oregon, unless the license has been revoked.<sup>71</sup>

### **Duration and Renewal Requirements**

An Oregon concealed handgun license is valid for four years from the date of issue, unless revoked.<sup>72</sup> A license is renewable by undergoing the same procedures for issuance of an original license, except for the fingerprint and character reference requirements.<sup>73</sup> An otherwise expired license continues to be valid for up to 45 days after the licensee applies for renewal, provided the licensee applies for renewal before the original license expires, has proof of the application for renewal, and the renewal has not been denied.<sup>74</sup> The fee for renewal is \$50.<sup>75</sup>

### **Disclosure or Use of Information**

Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the state Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or a license holder.<sup>76</sup> The sheriff must keep a record of each license issued or renewed.<sup>77</sup> The sheriff also must submit annually to DSP a report containing the number of concealed handgun licenses revoked during that period and the reasons for the revocations.<sup>78</sup>

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<sup>71</sup> Or. Rev. Stat. § 166.291(1)(f)(A)-(G).

<sup>72</sup> Or. Rev. Stat. § 166.292(4).

<sup>73</sup> Or. Rev. Stat. § 166.295(1)(a).

<sup>74</sup> Or. Rev. Stat. § 166.295(1)(b).

<sup>75</sup> Or. Rev. Stat. § 166.291(5)(a)(B).

<sup>76</sup> Or. Rev. Stat. § 166.291(7).

<sup>77</sup> Or. Rev. Stat. § 166.292(5).

<sup>78</sup> Or. Rev. Stat. § 166.297(1).

DSP may retain a record of the information obtained during a request for a criminal records check for no more than five years.<sup>79</sup> The record of the information obtained during a request for a criminal records check by a gun dealer is exempt from disclosure under public records law.<sup>80</sup>

### **Reciprocity**

Oregon has no laws addressing the ability of concealed weapons license holders from other states to carry their concealed firearms in the state. A county sheriff may waive the residency requirement for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need for an Oregon concealed handgun license.<sup>81</sup>

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<sup>79</sup> Or. Rev. Stat. § 166.412(7)(a).

<sup>80</sup> Or. Rev. Stat. § 166.412(7)(b).

<sup>81</sup> Or. Rev. Stat. § 166.291(8).

## **Open Carrying in Oregon**

Oregon does not prohibit the [open carrying](#) of handguns or long guns on the person in public.

## Location Restrictions

### Guns in Vehicles in Oregon

Oregon does not prohibit the open carrying of long guns in a vehicle.

Oregon generally prohibits the knowing possession of a concealed and readily accessible handgun within any vehicle without a license to carry a concealed handgun.<sup>82</sup> A handgun is generally considered readily accessible if it is in the passenger compartment of the vehicle. Oregon has special provisions applicable to vehicles that have no storage location that is outside the passenger compartment of the vehicle.<sup>83</sup> A person may own, possess, or keep a handgun within his or her residence, including a recreational vessel or recreational vehicle while used as residential quarters.<sup>84</sup>

Oregon prohibits the operation of a snowmobile or all-terrain vehicle with a loaded firearm in the operator's possession.<sup>85</sup> [A law Oregon enacted in 2011](#) exempts concealed handgun permit holders from this prohibition.<sup>86</sup>

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<sup>82</sup> Or. Rev. Stat. § 166.250(1)(b).

<sup>83</sup> Or. Rev. Stat. § 166.250(4)(b).

<sup>84</sup> Or. Rev. Stat. § 166.250(2)(b).

<sup>85</sup> Or. Rev. Stat. § 821.240(1).

<sup>86</sup> Or. Rev. Stat. § 821.240(2).

## Guns in Schools in Oregon

Oregon prohibits any person from intentionally possessing a loaded or unloaded firearm while in or on a public building.<sup>87</sup> “Public building” includes a public or private school, and the grounds adjacent to each such building.<sup>88</sup>

Oregon’s prohibition on the intentional possession of a loaded or unloaded firearm in or on a public building includes colleges and universities, and the grounds adjacent to each such building.<sup>89</sup>

Exceptions to the prohibitions include concealed handgun licensees and persons possessing handguns on school property if possessed by a person who is not otherwise prohibited from possessing the firearm and the handgun is unloaded and locked in a motor vehicle.<sup>90</sup>

State regulations may also prohibit firearms at public Oregon colleges and universities.

In Oregon, a school district shall require expulsion from school for a period of not less than one year of any student who is determined to have:

- Brought a firearm to school, onto school property under the jurisdiction of the school district, or to an activity under the jurisdiction of the school district;
- Possessed, concealed or used a firearm in a school or on school property or at an activity under the jurisdiction of the school district; or
- Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization approved by the State Board of Education.<sup>91</sup>

The policy shall allow a superintendent to modify the expulsion requirement for a student on a case-by-case basis.<sup>92</sup> A school district board may consider and propose to a student who is under expulsion or to a student prior to expulsion alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student.<sup>93</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>87</sup> Or. Rev. Stat. § 166.370(1).

<sup>88</sup> Or. Rev. Stat. § 166.360(4).

<sup>89</sup> Or. Rev. Stat. §§ 166.370(1), 166.360(4).

<sup>90</sup> Or. Rev. Stat. § 166.370(3)(d), (g).

<sup>91</sup> Or. Rev. Stat. § 339.250(6)(a).

<sup>92</sup> Or. Rev. Stat. § 339.250(6)(c).

<sup>93</sup> Or. Rev. Stat. § 339.250(10).

## Other Location Restrictions in Oregon

Oregon law prohibits the intentional possession of a firearm while in or on a "public building."<sup>94</sup> This prohibition does not apply to persons licensed to carry a concealed handgun.<sup>95</sup> "Public building" is defined to include:

- A hospital;
- Any "capitol building;"<sup>96</sup>
- A public or private school, the grounds adjacent to each such building, and any site or premises being used exclusively for a student program or activity sponsored or sanctioned by the school;
- A city hall or the residence of a state official elected by the state at-large;
- The grounds adjacent to each of the aforementioned buildings; and
- That portion of any other building occupied by an agency of the state or certain municipal corporations, other than a court facility.<sup>97</sup>

Any person who intentionally possesses a firearm in a court facility is criminally liable for a felony and must surrender that firearm to a law enforcement officer unless the presiding judge has entered an order permitting the possession of specified weapons in a court facility.<sup>98</sup> This prohibition also does not apply to persons licensed to carry a concealed handgun.<sup>99</sup>

Any local correctional facility, lockup facility or temporary hold must prohibit firearms from the security area of the facility except in times of emergency as determined by the facility's administrator.<sup>100</sup>

Oregon also prohibits the knowing possession of a firearm in a restricted access area of specified commercial airports.<sup>101</sup>

Oregon has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Parks;

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<sup>94</sup> Or. Rev. Stat. § 166.370.

<sup>95</sup> Or. Rev. Stat. § 166.370(3)(d).

<sup>96</sup> Capitol building is defined in Or. Rev. Stat. § 166.360(1).

<sup>97</sup> Or. Rev. Stat. § 166.360(4).

<sup>98</sup> Or. Rev. Stat. § 166.370(2).

<sup>99</sup> Or. Rev. Stat. § 166.370(3)(d).

<sup>100</sup> Or. Rev. Stat. §§ 169.076(6); 169.077(3); 169.078(4).

<sup>101</sup> See Or. Rev. Stat. § 164.885(2).

- Places of worship;
- Bars or restaurants where alcohol is served;
- Sports arenas;
- Certain gambling facilities; or
- Polling places.

## Consumer & Child Safety

### Oregon Design Safety Standards for Handguns

Oregon does not specifically regulate junk guns or unsafe firearms. However, according to research conducted by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence), Oregon's Attorney General may have the authority to regulate junk guns, as well as promulgate other firearms safety standards.<sup>102</sup>

See [\*Regulating Guns in America: Design Safety Standards for Handguns\*](#) for a comprehensive discussion of this issue.

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<sup>102</sup> The Oregon Unlawful Trade Practices Act, Oregon Revised Statutes § 646.608(1)(u), (4). For details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

## Locking Devices in Oregon

Oregon does not require a locking device to accompany the sale of a firearm, although [federal law](#) applies. Oregon law also does not require firearm owners to lock their weapons.

State administrative regulations may, however, govern the storage of firearms in certain locations.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms in Oregon**

Oregon does not require firearms to be personalized.

See [\*Regulating Guns in America: Personalized Firearms\*](#) for a comprehensive discussion of this issue.

## **Oregon Child Access Prevention**

Oregon has no statutes requiring firearm owners to prevent children from gaining access to firearms.

State administrative regulations govern the storage of firearms in certain locations, however.

See [\*Regulating Guns in America: Child Access Prevention\*](#) for a comprehensive discussion of this issue.

## **Classes of Weapons / Ammunition**

### **Assault Weapons in Oregon**

Oregon has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in Oregon**

Oregon has no law regulating large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in Oregon**

Oregon has no law regulating fifty caliber rifles.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## Machine Guns/Automatic Firearms in Oregon

Oregon prohibits any person from knowingly possessing any machine gun, unless it is registered under federal law.<sup>103</sup> Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>103</sup> Or. Rev. Stat. § 166.272.

## **Non-Powder Guns in Oregon**

Oregon has no law restricting non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

## Ammunition Regulation in Oregon

Oregon prohibits any person from making, selling, buying or possessing any handgun ammunition (principally for use in pistols and revolvers) where the bullet or projectile is coated with Teflon or any chemical compound with properties similar to Teflon, and which is intended to penetrate soft body armor, and where the person intends that the ammunition be used in the commission of a felony.<sup>104</sup> [Federal law also prohibits certain kinds of armor-piercing ammunition.](#)

Oregon does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Prohibit persons who are ineligible to possess firearms under state law from possessing ammunition, although [federal ammunition purchaser prohibitions](#) apply;
- Restrict locations where ammunition may be possessed; or
- Require the safe storage of ammunition.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

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<sup>104</sup> Or. Rev. Stat. § 166.350.

## **Crime Gun Investigation**

### **Oregon Microstamping/Ballistic Identification**

Oregon has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

## Firearms Trafficking in Oregon

(This section was last updated on October 15, 2010.)

Oregon prohibits:

- Anyone from purchasing or attempting to purchase a firearm if he or she knows that he or she is prohibited by state law from owning or possessing the firearm or having the firearm under his or her custody or control.<sup>105</sup> See the [Oregon Prohibited Purchasers Generally](#) section for a list of such individuals.
- Anyone from knowingly providing a false name or false information or presenting false identification in connection with a purchase or transfer of a firearm.<sup>106</sup>
- A firearms dealer from failing to conduct the background check that federal and state laws require prior to sale of a firearm.<sup>107</sup>
- Any person from selling, delivering or otherwise transferring any firearm that the person knows or reasonably should know is stolen.<sup>108</sup>
- The intentional alteration, removal or obliteration of the identification number on any firearm for an unlawful purpose.<sup>109</sup> Possession of such a firearm is presumptive evidence that the possessor altered, removed or obliterated the identification number.<sup>110</sup>

See [LCAV's policy page on Firearms Trafficking](#) for further information.

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<sup>105</sup> Or. Rev. Stat. § 166.425. [In 2011, Oregon amended](#) this law so it doesn't apply to a person who is prohibited by federal, but not state, law from possessing firearms. 2011 Ore. ALS 662 § 5.

<sup>106</sup> Or. Rev. Stat. § 166.416.

<sup>107</sup> Or. Rev. Stat. §§ 166.412, 166.418, 166.434.

<sup>108</sup> Or. Rev. Stat. § 166.470(2).

<sup>109</sup> Or. Rev. Stat. § 166.450.

<sup>110</sup> *Id.*

## **Oregon State Links**

[Bureau of Alcohol, Tobacco, Firearms & Explosives, Seattle Field Division \(AK, HI, ID, OR, WA\)](#)

[Ceasefire Oregon](#)

[State of Oregon Department of Justice/Attorney General](#)