

From: "Whitfield, Patricia" <patricia.whitfield@state.or.us>
Subject: RE: Firearms Transfers and Felonys
Date: September 17, 2014 10:51:53 AM PDT
To: Kevin Starrett <k_starrett@oregonfirearms.org>
Cc: "REP Thatcher" <rep.kimthatcher@state.or.us>

Kevin,

Correct. ORS 166.270 is the statute that outlines restoration of rights for a felony conviction in Oregon and would apply to the background check process if the criteria is met.

Record details from the background check itself are not discussed with the dealer. If the FFL has law or policy compliance questions or concerns, they might want to contact their ATF agent to discuss.

Thank you

Tricia Whitfield, Director
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From: Kevin Starrett [mailto:k_starrett@oregonfirearms.org]
Sent: Friday, September 12, 2014 12:57 PM
To: Whitfield, Patricia
Cc: REP Thatcher
Subject: Firearms Transfers and Felonys

Dear Tricia,

I am requesting the following information on behalf of my gun club which has an FFL.

I have been informed that FICS will approve a transfer of a firearm to a person with a felony conviction if the felony is over 15 years old and did not involve a homicide or weapons charge.

To be sure we are in accordance with the law and OSP policies, can you confirm whether this is true?

I have seen OSP's form on firearms eligibility dated 5/28/13 which states "You Must Not Have Been Convicted of a Felony" but this information(that those transfers were allowed by FICS) was given to me by an Oregon State Trooper.

I followed up with our lawyers who said:

"The Feds believe that so long as the 15 years has past (also mirroring Art 1. Sec 45 of our constitution) and you haven't been convicted of those specific crimes, that you can lawfully possess. "

The only statute I can find that may be being used to permit this is ORS 166.270.

If, in fact, these transfers are being approved, is this the statute being used to allow it?

Thank you for your time.

Kevin Starrett