

**PROPOSED AMENDMENTS TO
SENATE BILL 941**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete lines 3 and 4 and insert “amending ORS
3 166.470.”.

4 Delete lines 6 through 24 and delete pages 2 through 23 and insert:

5 **“SECTION 1. ORS 166.470 is amended to read:**

6 “166.470. (1) Unless relief has been granted under ORS 166.274 or section
7 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or the expunction laws
8 of this state or an equivalent law of another jurisdiction, a person may not
9 intentionally sell, deliver or otherwise transfer any firearm [*when the*
10 *transferor knows or reasonably should know that the*] **to a recipient who:**

11 “(a) Is under 18 years of age;

12 “(b) Has been convicted of a felony;

13 “(c) Has any outstanding felony warrants for arrest;

14 “(d) Is free on any form of pretrial release for a felony;

15 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

16 “(f) After January 1, 1990, was found to be a person with mental illness
17 and subject to an order under ORS 426.130 that the person be prohibited from
18 purchasing or possessing a firearm as a result of that mental illness;

19 “(g) Has been convicted of a misdemeanor involving violence or found
20 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
21 olence within the previous four years. As used in this paragraph,
22 ‘misdemeanor involving violence’ means a misdemeanor described in ORS

1 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); or

2 “(h) Has been found guilty except for insanity under ORS 161.295 of a
3 felony.

4 “(2) A person may not sell, deliver or otherwise transfer any firearm that
5 the person knows or reasonably should know is stolen.

6 “(3) Subsection (1)(a) of this section does not prohibit:

7 “(a) The parent or guardian, or another person with the consent of the
8 parent or guardian, of a minor from transferring to the minor a firearm,
9 other than a handgun; or

10 “(b) The temporary transfer of any firearm to a minor for hunting, target
11 practice or any other lawful purpose.

12 “(4) Violation of this section is a Class A misdemeanor.

13 “**(5) In a prosecution under subsection (1) of this section, the state
14 need not prove that the person knew or should have known that the
15 recipient was prohibited by law from possessing a firearm.**

16 “**(6) A person is immune from prosecution under subsection (1) of
17 this section if, prior to the transfer, the person requests a criminal
18 background check as described in ORS 166.436 and receives a unique
19 approval number indicating that the recipient is qualified to complete
20 the transfer.**

21 “**SECTION 2.** ORS 166.470, as amended by section 11, chapter 826, Oregon
22 Laws 2009, and section 11, chapter 360, Oregon Laws 2013, is amended to
23 read:

24 “166.470. (1) Unless relief has been granted under ORS 166.274 or 18
25 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of
26 another jurisdiction, a person may not intentionally sell, deliver or otherwise
27 transfer any firearm [*when the transferor knows or reasonably should know*
28 *that the*] **to a recipient who:**

29 “(a) Is under 18 years of age;

30 “(b) Has been convicted of a felony;

1 “(c) Has any outstanding felony warrants for arrest;
2 “(d) Is free on any form of pretrial release for a felony;
3 “(e) Was committed to the Oregon Health Authority under ORS 426.130;
4 “(f) After January 1, 1990, was found to be a person with mental illness
5 and subject to an order under ORS 426.130 that the person be prohibited from
6 purchasing or possessing a firearm as a result of that mental illness;
7 “(g) Has been convicted of a misdemeanor involving violence or found
8 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
9 olence within the previous four years. As used in this paragraph,
10 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
11 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); or
12 “(h) Has been found guilty except for insanity under ORS 161.295 of a
13 felony.
14 “(2) A person may not sell, deliver or otherwise transfer any firearm that
15 the person knows or reasonably should know is stolen.
16 “(3) Subsection (1)(a) of this section does not prohibit:
17 “(a) The parent or guardian, or another person with the consent of the
18 parent or guardian, of a minor from transferring to the minor a firearm,
19 other than a handgun; or
20 “(b) The temporary transfer of any firearm to a minor for hunting, target
21 practice or any other lawful purpose.
22 “(4) Violation of this section is a Class A misdemeanor.
23 **“(5) In a prosecution under subsection (1) of this section, the state
24 need not prove that the person knew or should have known that the
25 recipient was prohibited by law from possessing a firearm.**
26 **“(6) A person is immune from prosecution under subsection (1) of
27 this section if, prior to the transfer, the person requests a criminal
28 background check as described in ORS 166.436 and receives a unique
29 approval number indicating that the recipient is qualified to complete
30 the transfer.”.**

