

Frequently Asked Questions:

SURRENDER and RETURN OF FIREARMS In Multnomah County Family Abuse Prevention Act (FAPA) Restraining Order Cases

1. Do I have to surrender (give up) my guns?

It depends on what the restraining order says. Look at paragraph 10 on page 4 of the order. If the judge's initials are on the right side of the page, on the line next to number 10 and 10A, the "Firearms Surrender and Return Terms" attached to the order apply to you. This means that **if you have guns or ammunition, you must turn them over:**

- to a law enforcement officer who serves the restraining order on you in Multnomah County, if you have the weapons/ammunition in your possession at that time, or
- to the Portland Police Bureau or the Multnomah County Sheriff's Office, or
- to someone you know who is willing to store them while the restraining order is in place and who passes a firearms background check (or is exempt from a background check).

You must then complete and file the Firearms Affidavit at the Courthouse. The Firearms Affidavit is included with the court papers you received. It is also available on the court's website.

2. How much time do I have to turn over my guns?

If you have guns in your possession or control when you are served with the restraining order by law enforcement, you must turn them over right then. Otherwise, you have 48 hours to turn over your guns to law enforcement or a qualified friend or relative. If you are served in jail, you must turn them over within 48 hours of being released.

3. How much time do I have to file the Firearms Affidavit?

You have 3 court days from the time you were served with the restraining order to file the Firearms Affidavit with the court. (Weekend days and holidays do not count as court days). If you were served in jail, you have 3 court days from your release to file the Affidavit. You must sign the Affidavit in front of a notary. Notaries are available at the courthouse. Once notarized, take or mail the Affidavit to:

Room 211
Main Multnomah County Courthouse
1021 SW 4th Avenue
Portland, Oregon 97204

or East County Courthouse
18480 SE Stark
Portland, Oregon

4. Where can I surrender my guns?

You can surrender (give) your guns to the Portland Police Bureau or Multnomah County Sheriff's Office at these locations during the times listed. To turn them over to the sheriff's office, you must call first to schedule an appointment.

Portland Police Bureau
Central Precinct
1111 SW 2nd Ave.
Portland, Oregon 97204
Hours: 24 hours/7 days a week
503/823-0097

Portland Police Bureau
Property & Evidence Division
2619 NW Industrial Way
Portland, Oregon 97210
Hours: 9-12; 1-4 M-F
503/823-2179

Multnomah County Sheriff's Office
234 SW Kendall Court
Troutdale, OR 97060
Mon-Thurs 8- 4PM; Friday 8- 3PM
Call 503-988-7300, option #5 to
schedule

5. Will I get a receipt from the law enforcement agency that is storing my guns?

Yes. The agency will give you a receipt. The receipt will list all the guns you turn over and the type/amount of ammunition. You must attach a copy of the receipt to the Firearms Affidavit that you file.

6. What if I want a friend or relative (instead of law enforcement) to store my guns while the restraining order is in effect?

If your guns were not given to law enforcement when you were served, you can turn your guns over to a friend or relative. However, you must first get a background check done on this friend/relative to show that he or she is legally able to have firearms (unless that person is exempt – see Affidavit, page 1). If you decide to turn your guns over to a friend or relative, you will fill out paragraph 2 on page 1 of the Firearms Affidavit. Your friend or relative will fill out paragraph 5 on page 2 of the Affidavit. Each of you must sign the Affidavit in front of a notary.

7. How do I get a firearms background check done on the person I want to store my guns?

The background check is done through a licensed gun dealer. A small fee is charged and the dealer will do the check through the Oregon State Police. If the person passes the background check, you will be given a number to record on the Firearms Affidavit. This number goes in the space provided on page 2 of the Firearms Affidavit, before the person signs the form in front of a notary.

8. What if I don't have any firearms?

You still need to complete and file the Firearms Affidavit. Paragraph 3 on page 1 applies in this situation. This section states that you do not own or possess any firearms. You must sign the Affidavit in front of a notary and file it at the Courthouse within 3 court days of being served or released from jail.

9. What happens if I don't file the Firearms Affidavit ?

If you are required to file the Firearms Affidavit and do not, you are disobeying the court's order. This is a serious matter. A law enforcement officer could contact you for questioning or cite you to appear in court. The District Attorney's (DA) office could charge you with violating a restraining order (contempt of court). In that case, you will have the right to a court-appointed lawyer if you cannot afford to hire a lawyer. If the judge decides after a hearing that you disobeyed the restraining order, you could go to jail for up to 6 months, be placed on probation, or be ordered to pay a fine of up to \$500 plus the cost of your state-provided attorney.

10. How do I get my firearms back from the *police or sheriff* when the restraining order no longer exists?

You must call the police or sheriff's office at the numbers provided above and make arrangements to pick up your guns and ammunition. The police or sheriff's office will do a background check on you to be sure you are legally able to possess firearms before returning your guns and ammunition. Take photo identification when you go to pick them up.

11. How do I get my firearms back from a *friend or relative* storing them when the restraining order no longer exists?

The person storing them can return them to you. But the law requires a background check through a gun dealer unless the person who held your guns is exempt. (See Affidavit, page 1). See question 7 above for information about what the person needs to do to get a background check.