

# Senate Bill 862

Sponsored by Senators GELSER, MONNES ANDERSON; Senators MANNING JR, OLSEN, ROBLAN, WINTERS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires law enforcement agency that takes custody of firearms under firearms surrender protocol to establish procedures to notify certain individuals of law enforcement agency's anticipated return of firearm.

## A BILL FOR AN ACT

1  
2 Relating to firearms.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2017 Act:**

5 (1) **"Family or household member" has the meaning given that term in ORS 107.705.**

6 (2) **"Firearm" has the meaning given that term in ORS 166.210.**

7 (3) **"Firearms surrender protocol" means procedures established by a law enforcement**  
8 **agency that relate to a respondent's surrender of a firearm following the service of a court**  
9 **order under ORS 107.705 to 107.735 and that include a provision prohibiting the respondent**  
10 **from possessing a firearm.**

11 (4) **"Law enforcement agency" has the meaning given that term in ORS 181A.010.**

12 (5) **"Petitioner" means a person who has petitioned the circuit court for relief under ORS**  
13 **107.700 to 107.735.**

14 (6) **"Respondent" means a person against whom a petitioner filed for relief under ORS**  
15 **107.700 to 107.735.**

16 **SECTION 2. (1)(a) A law enforcement agency that takes custody of a firearm pursuant**  
17 **to a firearms surrender protocol shall develop a notification procedure that allows a**  
18 **petitioner, or the family or household members of the petitioner, to request to be notified**  
19 **when the law enforcement agency returns a firearm to the respondent who surrendered the**  
20 **firearm.**

21 (b) **Notification under this section may be made using methods that allow notification to**  
22 **be provided without unnecessary delay, including by telephone, electronic mail and text**  
23 **message.**

24 (c) **If a law enforcement agency has custody of more than one firearm surrendered by**  
25 **the respondent, notification of the return of one firearm shall be considered notification of**  
26 **the return of all firearms to the respondent.**

27 (2) **A law enforcement agency may not provide notification to a person other than the**  
28 **petitioner, or family or household member of the petitioner, who has requested notification**  
29 **under this section.**

30 (3) **The information a petitioner, or family or household member of a petitioner, provides**  
31 **to a law enforcement agency pursuant to this section is exempt from disclosure as a public**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 record under ORS 192.410 to 192.505.

2 (4) A law enforcement agency, or employee or representative of a law enforcement  
3 agency, is immune from civil liability for damages resulting from the disclosure of, or failure  
4 to disclose, information pursuant to this section, unless the disclosure, or failure to disclose,  
5 constituted gross negligence.

6 **SECTION 3.** (1) Before a law enforcement agency that has custody of a firearm surren-  
7 dered pursuant to a firearms surrender protocol returns the firearm to a person who re-  
8 quested the return of the firearm, the law enforcement agency shall:

9 (a) Confirm that the person to whom the law enforcement agency will return the firearm  
10 is the lawful owner of the firearm or a person with a possessory right to the firearm;

11 (b) Confirm that the person is not prohibited from possessing a firearm under state and  
12 federal law; and

13 (c) Hold the firearm for 72 hours after the law enforcement agency receives the request  
14 to return the firearm.

15 (2) A law enforcement agency shall provide notification requested under section 2 of this  
16 2017 Act 24 hours in advance of when the law enforcement agency will return the firearm  
17 to the respondent.

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