

THINGS TO KNOW BEFORE PURCHASING A FIREARM IN THE STATE OF OREGON

Knowing what to expect and how that information will apply to your specific situation can be very useful when going through a background check for a firearms purchase. A firearms background check involves accessing criminal history records from all 50 states and the federal government. If you have a potential disqualifier on your record, it will be researched no matter how old the event is. It is important to note that records reported by criminal justice agencies often do not have specific details about a crime as it pertains to firearms laws and because both federal and state disqualifications can include crimes that may not be obvious within the categories listed below, it is a good practice to become aware of the details that could prevent an immediate approved background check response.

FEDERAL DISQUALIFICATION CATEGORIES

- CONVICTION (Felony or Misdemeanor) where the crime has a maximum imprisonment term exceeding 1 year (even if you did not receive actual imprisonment exceeding 1 year)
- WARRANT (Felony or Out-of-State Misdemeanor)
- FELONY PRE-TRIAL RELEASE
- MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE
- RESTRAINING/STALKING/PROTECTION ORDER
- MENTAL HEALTH ADJUDICATION OR COMMITMENT
- UNLAWFUL USE OR ADDICTED TO A CONTROLLED SUBSTANCE (including Marijuana)
- DISHONORABLE DISCHARGE FROM THE ARMED FORCES
- RENOUNCED U.S. CITIZENSHIP
- ILLEGAL ALIEN

OREGON SPECIFIC DISQUALIFIERS (in addition to the above federal disqualifiers)

- CONVICTION of a violent misdemeanor within the previous 4 years – ORS 166.470(1)(g)
- PROBATION with conditions limiting possession of a firearm – ORS 137.540(L)
- MISDEMEANOR crime of domestic violence – ORS 166.255(1)(b)/(3)(c)(d)(f)
- RESTRAINING ORDER – ORS 166.255(1)(a)
- OREGON COURT-ORDERED FIREARM PROHIBITION – ORS 426.133(5)

POSSIBLE BACKGROUND CHECK RESULTS

One of the following 3 determinations will be provided within 30 minutes or less to the transferor at the time the background check is requested, as required by Oregon law.

1. **APPROVED:** OSP will provide the transferor with a unique approval number indicating that the purchaser is qualified to complete the transfer. (Approximately 96% of backgrounds are approved within minutes of initiation)
2. **DENIED:** OSP will notify the transferor that the purchaser is denied. No further information is provided to the transferor. (Approximately 1% of backgrounds are denied within minutes of initiation)
3. **PEND/DELAY:** If OSP is unable to determine if the purchaser is qualified or disqualified within 30 minutes of the request, OSP is required to notify the transferor and provide an estimate of the time when OSP will complete the background check. (Approximately 3% are placed in pend/delay status at the time the check is initiated due to missing information about a potential disqualification)

While the decision to transfer a firearm after the statutorily allowable period is solely up to the transferor (should OSP fail to provide a unique approval number or notify the transferor that the purchaser is disqualified), OSP will continue to complete the requested background check until resolved or cancelled by the transferor.

Additional details about eligibility and the background check process can be found at:

<http://www.oregon.gov/osp/ID/docs/WhatToExpectJune2017.pdf>

For further information or questions about Oregon's program, please contact the Firearms Unit by email at osp.firearms@state.or.us, or call the FICS Unit Challenge Line at (503) 373-1808.

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