



OREGON STATE POLICE TRAINING BULLETIN



Handling Denied Firearms Transactions

June 16, 2014

Effective Tuesday, June 17, 2014, at 8:00am, the Oregon State Police (OSP) will be revising the procedures related to violations of state law involving persons attempting to purchase or transfer a firearm that are denied, due to a state or federal disqualifier. This revision will include enforcement action involving persons attempting an unlawful firearms transfer through a licensed firearm dealer, during a voluntary private party check, or at a gun show.

Why are people denied firearms transactions?

- All wanted persons
- Mental Health Prohibitions
- Misdemeanor convictions
- Stolen gun
- Convicted Felons
- Restraining orders
- On probation
- Dishonorable discharge from armed forces
- Illegal alien/renounced US citizen
- Unlawful user controlled substance
- Pre-trial for a felony crime

It is a crime to attempt to purchase a firearm knowing the person is prohibited for the above reasons:

ORS 166.425 Unlawfully purchasing a firearm – Class A Misdemeanor

*(1) A person commits the crime of unlawfully purchasing a firearm if the person, **knowing** that the person is prohibited by state law from owning or possessing the firearm or having the firearm under the person's custody or control, purchases or attempts to purchase the firearm.*

(2) Unlawfully purchasing a firearm is a Class A misdemeanor. [1989 c.839 §15; 2011 c.662 §5]

Other applicable statutes may include:

ORS 162.075 False swearing – Class A Misdemeanor

(1) A person commits the crime of false swearing if the person makes a false sworn statement or a false unsworn declaration, knowing it to be false.

(2) False swearing is a Class A misdemeanor. [1971 c.743 §184; 2013 c.218 §20]

ORS 166.412(8) Definitions; firearms transaction records; criminal record check; rules.

A law enforcement agency may inspect the records of a gun dealer relating to transfers of handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

ORS 166.416 Providing false information in connection with a transfer of a firearm – Class A Misdemeanor

(1) A person commits the crime of providing false information in connection with a transfer of a firearm if the person knowingly provides a false name or false information or presents false identification in connection with a purchase or transfer of a firearm.

(2) Providing false information in connection with a transfer of a firearm is a Class A misdemeanor. [1995 c.729 §3; 2001 c.1 §9] Note: See note under 166.412.

ORS 164.095 Theft by receiving (the subject selling the firearm received it, knowing it was stolen) – Class C Felony.

ORS 164.055 Theft in the first degree (the subject attempting the firearm transaction stole the firearm) – Class C Felony.

Sworn members of the Oregon State Police will enforce the laws listed above related to crimes committed in conjunction with the denial of firearms transaction reports from FICS.

- **FICS will report the Denial of a Firearm Transaction to OSP Dispatch.**
- **The incident will be dispatched as a call for service, including suspect name, dealer location, and reason for denial. Sworn personnel will respond and take appropriate enforcement action.**
- **FICS unit staff will upload firearms information packet in the reports tab of the incident in the RMS for the sworn personnel to use during their investigation.**
- **After enforcement is completed, OSP personnel will clear the CAD call with a reportable clearance code.**
- **Investigative consideration – The statutes above require you to prove the suspect “knowingly” was aware they are not qualified for these transactions. The suspect’s culpable mental state will need to be determined.**
- **All Calls for Service originating from the FICS unit require a report.**

**FICS Law Enforcement Only Help Line: 503-302-5609
Use FICS transaction # when referencing your incident.**