

## Understanding your Pended or Delayed Transaction

Background checks that cannot be completed instantly, due to potential prohibitors on a person's criminal record or records that have incomplete or missing information, will be placed in a "delay" status. If further research is required to approve or deny a transaction, the transaction will be placed in a "pended" status until the records required to make a final determination of "approved" or "denied" are received.

Missing details on records require time to obtain the necessary information to resolve the record. The most common reasons for a transaction to be pended include:

- Charges that could involve domestic violence without the details needed to make the determination without research.
- Charges that could be either a felony or misdemeanor without the record details to determine the level of crime or disqualification without research.
- Local, state, and federal agencies not having the resources to respond to requests for missing information in a timely manner.

## Out-Of-State Records

The FICS unit requests additional information from out-of-state agencies in accordance with each agency's direction. Questions regarding incomplete or inaccurate out-of-state criminal history records should be directed towards the agencies within that state.

## To provide information about your record:

You may provide documents (e.g., court documentation, police reports) and information to help resolve any missing information in your record.

**E-mail:** [delayed.docs@osp.oregon.gov](mailto:delayed.docs@osp.oregon.gov)

**Or by mail to:**  
**Oregon State Police**  
**Criminal Justice Information Services**  
**Division – FICS UNIT**  
**3565 Trelstad Ave SE**  
**Salem, OR 97317**  
**Facsimile: 503-370-8584**

## Questions of Identity:

The Oregon State Police FICS Unit may request thumbprints from the dealer to verify that the identification of the purchaser matches the identity of the criminal record in question (ORS 166.412 (4) (c)).

**Right of Appeal**  
**OAR 257-010-0035 – Access by Individuals for Purpose of Review and/or Challenge**

**And OAR 257-010-0050 – Rights of Appeal can be found:**  
[Oregon Secretary of State Administrative Rules](#)

## What Prohibits an Individual from Receiving a Transferred Firearm?

A background denial from the Oregon State Police FICS Unit indicates that the buyer is disqualified to receive a firearm transfer based on a criminal history record containing a state or federal prohibitor. A delay message indicates the subject has been matched with a record potentially containing state or federal prohibitive criteria.

Section 922 (g)(1-9) and (n) of the Gun Control Act prohibits certain persons from shipping or

transporting any firearm in interstate or foreign commerce, or receiving any firearm which has been shipped or transported in interstate or foreign commerce or possessing any firearm in or affecting commerce. **These prohibitions apply to any person who:**

**18 U.S.C. §922 (g) (1) / ORS 166.470 (1) (b)**  
Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

**18 U.S.C. §922 (g) (2) / ORS 166.470 (1) (c)**  
Is a fugitive from justice.

**18 U.S.C. §922 (g) (3)**  
Is an unlawful user of or addicted to any controlled substance.

**18 U.S.C. §922 (g) (4) / ORS 166.470 (1) (e)**  
Has been adjudicated as a mental defective or committed to a mental institution.

**18 U.S.C. §922 (g) (5)**  
Is an alien illegally or unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa.

**18 U.S.C. §922 (g) (6)**  
Has been discharged from the Armed Forces under dishonorable conditions.

**18 U.S.C. §922 (g) (7)**  
Having been a citizen of the United States, has renounced U.S. citizenship.

**18 U.S.C. §922 (g) (8)**  
Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.

**18 U.S.C. §922 (g) (9)**  
Has been convicted in any court of a misdemeanor crime of domestic violence.

## 18 U.S.C. §922(n)

Is under indictment for a crime punishable by imprisonment for a term exceeding one year.

## Oregon State Prohibitors

### ORS 137.540 (j)

Has conditions of probation limiting possession of firearms.

### ORS 166.470 (1) (g)

Has been convicted or found not guilty by reason of insanity during the previous four years for the following misdemeanors:

Assault 4th Degree: ORS 163.160

Menacing: ORS 163.190

Recklessly Endangering: ORS 163.195

Strangulation: ORS 163.187

Intimidation 2nd/Bias Crime: ORS 166.155 (1) (b)

### ORS 166.250 (B) (i) (ii)

While a minor, was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or misdemeanor involving violence, as defined in ORS 166.470; and was discharged from the jurisdiction of the juvenile court within four years prior to being charged under this section.

### ORS 166.255 (1)

(a) It is unlawful for a person to knowingly possess a firearm or ammunition if: the person is the subject of a court order that was issued or continued after a hearing for which the person had actual notice and during the course of which the person had an opportunity to be heard; restrains the person from stalking, intimidating, molesting or menacing an intimate partner, a child of an intimate partner or a child of the person; and includes a finding that the person represents a credible threat to

the physical safety of an intimate partner, a child of an intimate partner or a child of the person.

(b) Has been convicted of a qualifying misdemeanor and, at the time of the offense, the person was: A family or household member of the victim of the offense; or A parent or guardian of the victim of the offense; or

(c) Has been convicted of stalking under ORS 163.732.

### Further information:

Further information about firearms transactions can be found on the OSP website at: [Oregon State Police : Firearms Instant Check System \(FICS\) : Criminal Justice Information Services \(CJIS\) : State of Oregon](#)

The website also provides a Pre-Purchase Self-Assessment Questionnaire that can be used as a guide to assist you in a firearms purchase. [PrePurchase SelfAssessmentQuestionnaire 06-12-2024.pdf \(oregon.gov\)](#)

# Oregon State Police Firearms Instant Check System (FICS) Unit



## Guide to Oregon Firearm Transfer Delays and Pended Transactions

## Your Rights and Responsibilities

May 31, 2024