



## Guide to Oregon Firearm Transfers

### Delayed and Pended Transactions

Your Rights and Responsibilities

## Understanding your **delayed** or **pended** transaction

Background checks that cannot be instantly approved are placed in a web queue for examiner review. 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 needed to resolve the delay. The most common reasons a transaction is pended include:

- Missing disposition(s) on criminal history.
- Criteria to determine domestic violence missing from the criminal history.
- Arrest cycles missing level of severity.

### To provide information about your record

You may provide documents such as court records or police reports and other information to help resolve any missing information in your record.

#### Email

[delayed.docs@osp.oregon.gov](mailto:delayed.docs@osp.oregon.gov)

#### Mail

Oregon State Police  
Criminal Justice Information Services - FICS Unit  
3565 Trelstad Ave. SE  
Salem, OR 97317

#### Fax

(503) 370-8584

### Right of appeal

[OAR 257-010-0035](#) - Access by Individuals for Purpose of Review and/or Challenge

[OAR 257-010-0050](#) - Rights of Appeal

### Questions of identity

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

### 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 toward the agencies within that state.

### More information

Additional information about firearms transactions and a pre-purchase self-assessment questionnaire are available on the OSP website.

FICS website: [bit.ly/FICS\\_OSP](https://bit.ly/FICS_OSP)

Questionnaire: [bit.ly/FICS\\_Self-Assessment](https://bit.ly/FICS_Self-Assessment)

## What prohibits an individual from receiving a transferred firearm?

A background denial from the Oregon State Police FICS Unit indicates that the transferee/buyer is disqualified to receive a firearm transfer based on a criminal history record containing a state or federal prohibitor. A pended status indicates the transferee/buyer matched a record containing a potential state or federal prohibitor(s).

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.

## Federal and Oregon state firearm prohibitors

### **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.

### **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.