

Firearms Surrender and Return Terms

The restraining order against you may *immediately* prohibit you from possessing firearms and ammunition and require you to surrender them. Read carefully the firearms section on page 7, paragraphs 18 & 19 of the Restraining Order; page 3, paragraph 9 on the Elder Abuse and Persons with Disabilities Order; or Page 4, paragraphs 20 & 21 of the Stalking Protective Order. Whether or not those paragraphs are checked, the boxed notice on the corresponding page tells you that state criminal law also prohibits you from possessing firearms as soon as *a hearing is held continuing the restraining order or your hearing right expires*. Read your order carefully to know whether the gun ban is in effect now or will be soon.

AS SOON AS THE RESTRAINING ORDER PROHIBITS YOU from possessing firearms and ammunition, you must do ONE of the following within 24 HOURS.

1. Surrender to Law Enforcement or a Licensed Gun Dealer all firearms and/or ammunition in your possession, control, or custody. **If the box regarding Immediate Firearms Prohibition is checked**, you must surrender them at the time you are served with the restraining order. If the firearms or ammunition are not in your custody at that time, you must surrender them to law enforcement (see bottom of page) or a licensed gun dealer within 24 hours of when the gun ban is in effect; *or*
2. **If you own firearms and you want to transfer them to a third party** rather than surrender them to law enforcement, you must check the box on the Respondent's/Defendant's Declaration of Firearm Surrender and file it with the Court. The third party must complete the Third-Party Recipient's Declaration of Firearms Receipt and the Proof of Firearms Transfer. Unless a statutory exception applies, these transfers must go through a licensed gun dealer as required by ORS 166.250-470. You must arrange for a criminal background check on the third party you select. That Third Party cannot live with you. To get a background check, you must contact Oregon State Police or a licensed gun dealer. A fee applies. The Third Party must complete the *Third-Party Recipient's Declaration and Proof of Firearms Transfer* provided to you.

AND, WITHIN 2 COURT (BUSINESS) DAYS, YOU MUST FILE WITH THE COURT AND DISTRICT ATTORNEY'S OFFICE A DECLARATION, WITH PROOF OF TRANSFER

3. **If you do not own or possess firearms:** check the box on the Respondent's/Defendant's Declaration of Firearm Surrender and file the Respondent's/Defendant's Declaration of Firearm Surrender at the court.

These documents will tell the court:

- A. That you have no firearms or ammunition.
- B. The person/agency you gave the guns & ammunition to, and other details of the transfer.
- C. Or that you do not want to answer because you do not want to incriminate yourself.

The **Firearms Declaration** is included in your service packet. It is also available in at the courthouse or online at: <http://courts.oregon.gov/courts/columbia>.

FAILURE TO COMPLY WITH COURT-ORDERED TERMS ABOUT FIREARMS POSSESSION AND SURRENDER MAY SUBJECT YOU TO A CONTEMPT OF COURT CHARGE OR A CRIMINAL CHARGE.

**YOU MUST FOLLOW THESE INSTRUCTIONS!!!
FIREARMS ARE NOT TO BE BROUGHT INTO THE COURTHOUSE**

To surrender firearms, immediately call by telephone:

- Columbia County Sheriff's Office 503.366.4611

When you call the sheriff office, ask for the evidence technician or property manager. Inform the evidence technician/property manager that the court ordered you to turn in your firearms. Arrange a time to do this as soon as possible. Do not bring your firearms to the sheriff's office unless you have made prior arrangements with the evidence technician or property manager or another police official.

If the evidence technician or property manager is not available, leave a detailed message and include your name, your telephone numbers, and the court case number. You will be contacted to make an appointment. **If you do not receive a call back within two days, call again.** You must bring a copy of the court order to the sheriff's office along with your firearms and ammunition.

When you arrive at the sheriff's office, keep your unloaded firearms locked inside your vehicle – in the trunk if possible. Upon contact with the sheriff deputy, give them a copy of the court order and inform them the firearms are in your vehicle. The sheriff deputy, evidence technician, or property manager will tell you what to do next. Get a receipt or copy of the evidence report from the sheriff's office to prove to the court that you surrendered your firearms. Complete Respondent's/Defendant's Declaration of Firearm Surrender attach the receipt or evidence report, and file it with the Court.

**IT IS A FEDERAL CRIME FOR YOU TO POSSESS FIREARMS OR AMMUNITION WHEN A QUALIFYING PROTECTIVE ORDER IS IN EFFECT OR YOU HAVE BEEN CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.
IF YOU VIOLATE FEDERAL LAW, YOU MAY BE PROSECUTED IN FEDERAL COURT.**