

**JACKSON COUNTY CIRCUIT COURT  
FIREARMS SURRENDER AND RETURN TERMS  
FOR RESPONDENTS IN FAMILY ABUSE PREVENTION ACT  
(FAPA) ORDERS**

The restraining order against you may immediately prohibit you from possessing firearms/ammunition and require you to surrender them. Read carefully the firearms section on page 7, section 18. Whether or not the firearms/ammunition restriction section is checked, the boxed firearms notification tells you that state criminal law also prohibits you from possessing firearms/ammunition as soon as *a hearing is held continuing the protective order or your hearing rights have expired*. Read your order carefully to know whether the firearms/ammunition ban is in effect now or will be soon.

**AS SOON AS THE PROTECTIVE ORDER PROHIBITS YOU FROM POSSESSING FIREARMS/AMMUNITION, YOU MUST DO ONE OF THE FOLLOWING WITHIN 24 HOURS:**

If you are incarcerated when the firearms/ammunition ban goes into effect, you must surrender them within 24 hours of your release.

1. **Surrender to law enforcement or a licensed gun dealer** all firearms/ammunition in your possession, control, or custody.  
Or
2. **Have a third party take possession of any firearms/ammunition in your possession, control, or custody.**

You must arrange for an Oregon State Police criminal background check on the third party you select. That third party cannot live with you. To get a background check, you must contact an Oregon gun dealer. A fee applies. The third party must complete the Third Party Declaration 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.**

These documents will tell the court:

- A. The person/agency you gave the firearms/ammunition to, and other details of the transfer;
- B. That you have no firearms/ammunition; or
- C. That you are asserting your constitutional right against self-incrimination and are declining to make any statements about firearms/ammunition.

The **Firearms Declaration** is included in your service packet. A copy is also available at the Jackson County Circuit Court or online at: <http://courts.oregon.gov/courts/Jackson>.

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

**OPTION TO SURRENDER TO LAW ENFORCEMENT**

You can surrender (give) your firearms/ammunition to the Oregon State Police (OSP), Jackson County Sheriff's Office (JCSO), or your local law enforcement agency. You **MUST CALL** first to schedule an appointment. **Do not bring your firearms/ammunition to the law enforcement agency unless you have made prior arrangements with that agency.**

Oregon State Police  
4500 Rogue Valley Hwy  
Central Point, OR 97502  
**541-276-2121**

Jackson County Sheriff  
5179 Crater Lake Hwy  
Central Point, OR 97502  
**541-774-6800**

Medford Police Department  
219 South Ivy Street  
Medford, OR 97501  
**541-774-2250**

.....  
**RETURN of firearms/ammunition:** The firearms/ammunition ban ends when the restraining order expires or earlier if by court order. The law requires a law enforcement agency, gun dealer, or third party to do another background check on you before returning your firearms/ammunition.

**Frequently Asked Questions:  
FIREARMS SURRENDER AND RETURN TERMS  
IN JACKSON COUNTY  
FAMILY ABUSE PREVENTION ACT (FAPA) ORDERS**

**1. Do I have to surrender (give up) my firearms/ammunition?**

Yes, but *when* depends on what the restraining order says. Look at section 18 on page 7 of the order.

- If the judge's initials are on the right side of the page, on the line next to number 18, the "Firearms Surrender and Return Terms" attached to the order apply to you *immediately*.
- Even if box 18 is not checked, state *criminal* law bans you from having firearms/ammunition *as soon as*:
  - Your deadline for requesting a hearing on the restraining order passes but you don't request a hearing (30 days from service) or
  - Earlier if a court hearing is held that you received notice of and the restraining order was continued at the hearing. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the firearms/ammunition ban will be in effect if the Judge keeps the restraining order in effect.

Whether you must surrender your firearms/ammunition immediately, in 30 days, or after a hearing (if the restraining order is not dismissed), you must also complete the Firearms Declaration and file it (with Proof of Transfer) at the Jackson County Circuit Court and with the District Attorney.

**2. How much time do I have to turn over my firearms/ammunition?**

- If box 18 on the order is checked – you must surrender any firearms/ammunition in your possession or control **when you are served** to a law enforcement officer serving the order. Otherwise, you have **24 hours** to turn your firearms/ammunition into law enforcement, a licensed gun dealer, or a qualified third party who doesn't live with you.
- If box 18 is not checked – you have **24 hours** from the earlier of (1) the deadline passing to request a hearing (30 days from service) or (2) a court hearing that you received notice of and at which the restraining order was continued. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the gun ban will be in effect if the Judge keeps the restraining order in effect.

If you are served in jail when the firearms/ammunition ban goes into effect, you must turn them over within 24 hours of being released.

**3. How much time do I have to file the Firearms Declaration (and Proof of Transfer)?**

You have two court (business) days from the time you had notice of the restraining order to file the Firearms Declaration with the court **and** District Attorney. If you were in jail when the firearms/ammunition ban went into effect, you have 2 court days from your release to file the Declaration. Take or mail the documents to **both** addresses:

Jackson County Circuit Court  
100 South Oakdale Avenue  
Medford, OR 97501

Jackson County District Attorney  
815 West 10<sup>th</sup> Street  
Medford, OR 97501

**4. Where can I surrender my firearms/ammunition?**

You can surrender (give) your firearms/ammunition to the Oregon State Police (OSP), Jackson County Sheriff's Office (JCSO), or your local law enforcement agency. You **MUST CALL** first to schedule an appointment. **Or** you may have a gun dealer store them (see question #7). Additionally, you can transfer them to an eligible third party (See question #8).

**Do not bring your firearms/ammunition to the law enforcement agency unless you have made prior arrangements with that agency.**

**5. How do I transport my firearms/ammunition for surrender without breaking the law?**

You will not break the law for Unlawful Possession of a Firearm if:

- You have in your possession a copy of the restraining order that was issued within the last 24 hours,
- The firearms are unloaded,
- The firearms are not concealed, and
- You are transporting them to a law enforcement agency, licensed gun dealer, or third party.

**6. Will I get a receipt from the law enforcement agency that is storing my firearms/ammunition?**

Yes. The agency will give you a receipt. The receipt will list all the firearms you turn over and the type/amount of ammunition. You must attach a copy of the Proof of Transfer to the Firearms Declaration that you file.

**7. Can I leave my firearms/ammunition with a gun dealer?**

A licensed gun dealer can agree to store firearms/ammunition for you. The dealer may charge you a storage fee. You must get a Proof of Transfer from the dealer that lists the date of transfer and the serial number, make, and model of each transferred firearm.

**8. What if I want a friend or relative (instead of law enforcement or a gun dealer) to store my firearms/ammunition while the restraining order is in effect?**

If your firearms/ammunition were not given to law enforcement or a dealer, you can turn your firearms/ammunition over to a friend or relative. This person cannot live with you. You must first get a criminal background check done on this friend/relative to show that he or she is legally able to have firearms/ammunition. See *Question 9, below*. If you decide to turn your firearms/ammunition over to a friend or relative, that third party must fill out and sign the Third Party Declaration.

**9. How do I get a firearms background check done on the person I want to store my firearms/ammunition?**

The background check is done through a licensed gun dealer. A fee is charged, and the dealer will do the check through the Oregon State Police. If the person passes the background check, you will be given an approval number to record on the Third Party Declaration.

**10. What if I don't have any firearms/ammunition?**

You still need to complete and file the Firearms Declaration. There is a checkbox on the Firearms Declaration that applies in this situation. This section states that you do not own or possess any firearms/ammunition. You must file the Declaration within 2 court (business) days of the firearms/ammunition ban going into effect.

**11. What happens if I do not file the Firearms Declaration?**

If you are required to file the Firearms Declaration and do not, you are disobeying the court's order. This is a serious matter. A law enforcement officer could contact you for questioning or cite you to appear in court. The District Attorney's (DA) office could charge you with violating a restraining order (contempt of court).

**12. How do I get my firearms/ammunition back from a law enforcement agency when the restraining order no longer exists?**

You must call the law enforcement agency and make arrangements to pick up your firearms/ammunition. The law enforcement agency will do a background check on you to be sure you are legally able to possess firearms/ammunition before returning your firearms/ammunition.

**13. How do I get my firearms/ammunition back from a friend or relative storing them when the restraining order no longer exists?**

The person storing them can return them to you. But the law requires a background check *first* through a licensed gun dealer to make sure you are otherwise eligible to possess firearms/ammunition. See question 9 above for information about what the person needs to do to get a background check.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

v.

**RESPONDENT'S/DEFENDANT'S  
DECLARATION OF  
FIREARMS SURRENDER**

\_\_\_\_\_  
Respondent/Defendant

**Declaration**

I am the Respondent/Defendant in this case. I am subject to a court order to surrender firearms.

*Check one:*

I had no firearms in my possession at the time of the court's order. I do not currently possess any firearms.

All firearms and ammunition in my possession have been transferred to:

a law enforcement agency (*name*): \_\_\_\_\_

a gun dealer (*name*): \_\_\_\_\_

a third party who does not live with me (*name*): \_\_\_\_\_

A proof of transfer or receipt is attached (*required*)

I am asserting my constitutional right against self-incrimination. I decline to make any statement about firearms.

I HAVE FILED COPIES OF THIS *DECLARATION* (AND THE *DECLARATION* FROM THIRD PARTY RECIPIENTS, IF ANY) WITH THE DISTRICT ATTORNEY (*required*)

**I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

Submitted by Respondent/Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Respondent/Defendant

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

**PROOF OF FIREARMS TRANSFER**

*Complete this form if you have received firearms and ammunition  
from the respondent/defendant named below<sup>1</sup>*

Name of person surrendering firearms: \_\_\_\_\_

Case #: \_\_\_\_\_

Date of transfer: \_\_\_\_\_

**RECIPIENT'S INFORMATION:**

I, (full name) \_\_\_\_\_ received firearms and/or  
ammunition from the Respondent/Defendant named above

I am a:  third party who does not live with Respondent/Defendant\*

\*OSP background check number: \_\_\_\_\_ (required for third parties)

licensed gun dealer

law enforcement agency representative (agency name): \_\_\_\_\_

Ammunition was surrendered to me

The following firearms were surrendered to me:

Serial Number	Make and Model (or description, if make/model unavailable)

Additional page attached

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of recipient

\_\_\_\_\_  
Name (printed)

<sup>1</sup> Law enforcement and gun dealers may have their own proof of transfer or receipt forms. If so, attach that document to the *Respondent's/Defendant's Declaration of Firearms Surrender*.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

v.

**THIRD PARTY RECIPIENT'S  
DECLARATION OF  
FIREARMS RECEIPT**

\_\_\_\_\_  
Respondent/Defendant

**NOTICE TO RECIPIENT**

**You are subject to criminal and/or civil penalties if:**

- You allow Respondent/Defendant access to firearms or ammunition during the time they are prohibited from possession
- You are subject to any court order prohibiting you from possessing firearms or ammunition

**Declaration**

I, *(full name)* \_\_\_\_\_ received firearms and/or ammunition surrendered by Respondent/Defendant

**By my initials here → \_\_\_\_\_ I swear to the court that all the following statements are true**

- I am aware that Respondent/Defendant is subject to a court order to surrender all firearms and ammunition and prohibited from possessing firearms or ammunition
- I am not a law enforcement officer or gun dealer or not acting in my official capacity as a law enforcement officer or gun dealer
- I do not live with Respondent/Defendant
- I completed a Proof of Transfer listing the firearms and/or ammunition Respondent/Defendant surrendered to me
- I passed a background check by a law enforcement agency or gun dealer *(required)*

The OSP background check number is: \_\_\_\_\_

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone