**FIREARMS SURRENDER AND RETURN PROCEDURE**

**FOR RESPONDENTS UNDER RESTRAINING ORDERS**

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 20 & 21. Whether or not those paragraphs are checked, the boxed notice on page 7 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 a Licensed Gun Dealer or law enforcement all firearms and/or ammunition in your possession, control, or custody.

If box 20 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 next page) or a licensed gun dealer within 24 hours of when the gun ban is in effect.

**OR**

1. Have an eligible Third Party take possession of any firearms and/or 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 a licensed gun dealer. A fee applies. The Third Party must complete the *Third Party Recipient’s Declaration* provided to you.

**AND, WITHIN 2 COURT (BUSINESS) DAYS, YOU MUST FILE WITH THE COURT AND DISTRICT ATTORNEYS OFFICE A DECLARATION, WITH PROOF OF TRANSFER.**

These documents will tell the court:

1. That you have no firearms or ammunition.
2. The person/agency you gave the guns & ammunition to, and other details of the transfer.
3. **OR** that you do not want to answer because you do not want to incriminate yourself.

**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.**

The **Firearms Declaration** is included in your service packet. It is also available in Room 107 of the courthouse or online at: http://courts.oregon.gov/courts/Linn

*(January 2020)*

**OPTION TO SURRENDER TO LAW ENFORCEMENT**

The Linn County Sheriff’s Office and local law enforcement agencies will accept **unloaded** firearms and ammunition of individuals under restraining orders, *regardless of the location of the respondent’s residence*. Below is the contact information for Linn County law enforcement agencies:

|  |  |  |
| --- | --- | --- |
| Albany Police  541-917-7680 | Lebanon Police  541-451-1761 | Linn County Sheriff  541-967-3950 |
| Oregon State Police  541-967-2026 | Sweet Home Police  541-367-5181 |  |

* Weapons surrendered to law enforcement must be unloaded.
* Upon arrival at the agency, keep your unloaded weapons locked inside your vehicle (in the trunk if possible), and then contact the agency.
* Give the agency a copy of the court’s Order. Inform them that your weapons are in your vehicle.
* Follow the agency’s instruction and get a copy of the evidence report that lists the weapons you have surrendered. You will need this as proof to the court.

**RETURN of firearms/ammunition:**  The firearm/ammunition ban ends when the restraining order expires or earlier if ended by court order. The law requires another background check on you be done law enforcement, a dealer, or a third party returns your firearms or ammunition to you.

*(January 2020)*