

Frequently Asked Questions:

SURRENDER and RETURN OF FIREARMS

In Washington County
FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER CASES

1. Do I have to surrender (give up) my guns?

Yes, but *when* depends on what the restraining order says. Look at paragraph 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 initialed by the Judge, the "Firearms Notification" section immediately below box 18 tells you that state *criminal* law bans you from having guns or ammunition as soon as:
 - Your deadline for requesting a hearing on the restraining order passes, but you don't request a hearing (This deadline is 30 days from service) or
 - The date of a court hearing that you received notice of and the restraining order was continued there. This hearing date could be earlier than 30 days from when you were served with the court papers. 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 as of the hearing date if the Judge keeps the restraining order in effect.

Whether you must surrender your firearms immediately, or in 30 days, or an earlier hearing date, you must also complete the *Declaration of Firearms Surrender* and file it (with *Proof of Transfer*) at the courthouse and with the District Attorney. Legal deadlines apply for taking steps. *See following questions.* The *Declaration w/ Proof of Transfer* documents are included with the court papers you received. It is also available in room 120J of the Courthouse or on the court's website.

2. How much time do I have to turn over my guns?

- If box 18 is checked – you must surrender any guns in your possession or control when you are served to a law enforcement officer serving the order. Otherwise, you have 24 hours to turn in your firearms and ammunition to 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 passing of the deadline 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.

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

You have 2 court days from the time you become subject to the surrender order (see answer to Question #1, above) to file the *Firearms Declaration* with the court and District Attorney. Weekend days and holidays do not count as court days. Take or mail the documents to:

Washington County Circuit Court
150 N. 1st Avenue
Hillsboro, Oregon 97124

Washington County District Attorney
Justice Services Building
150 N. 1st Avenue, Suite 300
Hillsboro, Oregon 97124

4. Where can I surrender my guns?

You can surrender (give) your guns to any Law Enforcement Agency. Make sure your firearms are unloaded before transporting and surrendering them. Officers prefer that you have your weapon and ammunition in a container or bag. To turn them over to the ***Washington County Sheriff's Office***, please call first to schedule an appointment.

Cornelius Police 503-359-1881	Beaverton Police 503-629-0111	Forest Grove Police 503-992-3260
Hillsboro Police 503-681-6190	King City Police 503-620-8851	Oregon State Police 503-378-3720
North Plains Police 503-647-2604	Sherwood Police 503-625-5523	Tigard Police 503-629-0111
Tualatin Police 503-691-4800	Washington County Sheriff 503-846-2537	Wilsonville Police 503-682-1012

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 against you, **and** it was issued within the last 24 hours,
- The firearm is unloaded, and
- You are transporting it 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 guns?

Yes. The agency will give you a receipt. The receipt will list all guns you turn over and the type/amount of ammunition. The agency can use the *Proof of Transfer* that is part of your *Firearms Declaration* that you file. The agency can also use their own form for this proof of transfer.

7. Can I leave my guns and ammunition with a gun dealer?

Yes, if the licensed gun dealer agrees to storage of firearms and ammunition for you. The dealer will likely charge you a storage fee for this service. You must get *Proof of Transfer* from the dealer that lists the date of transfer and the serial #, make, and model of each transferred item.

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

If your guns were not given to law enforcement or a dealer, you can turn your guns 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. *See Question 9*, below. If you decide to turn your guns over to a friend or relative, that Third Party must fill out and sign the *Third Party's Declaration About Taking Possession*.

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

The background check is done through a licensed gun dealer. A small 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 *Proof of Transfer*.

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

You still need to complete and file the *Firearms Declaration*. The *Declaration* sets out three choices (boxes) for your response and the first box applies in this situation. This section states that you do not own or possess any firearms. Remember – you must file the *Declaration* at the courthouse within 2 court (business) days of the date you become subject to the surrender order. *See answer to Question #1 for the date you become subject to the surrender order*.

11. What happens if I don't 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). In that case, you will have a right to a court-appointed attorney if you cannot afford to hire a lawyer. If the judge decides after a hearing that you willfully disobeyed the restraining order by not filing the *Declaration*, you could go to jail for up to 6 months, be placed on probation, or be ordered to pay a fine of up to \$500 plus the cost of your state-provided attorney.

12. How do I get my firearms back from the police or sheriff when the restraining order no longer exists?

You must call the police or sheriff's office at the numbers provided above and make arrangements to pick up your guns and ammunition. The police or sheriff's office will do a background check on you to be sure you are legally able to possess firearms before returning your guns and ammunition. Take photo identification with you when you go to pick them up.

13. How do I get my firearms 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 to make sure you are otherwise eligible to possess firearms. See Question 9 above for information about getting this background check done. A dealer or the Oregon State Police will do the check when someone is requesting the check on himself or herself.

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

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 WASHINGTON

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

