

CLACKAMAS COUNTY CIRCUIT COURT
FIREARMS SURRENDER AND RETURN TERMS
For Respondents of Protection Orders

The protection order against you contains firearm restrictions and may immediately prohibit you from possessing and require you to surrender firearms and ammunition. Additionally, it is a state and federal crime for you to possess firearms or ammunition when a qualifying protective order is in effect against you, or you have been convicted of a misdemeanor crime of domestic violence. **Read your order carefully** to know whether the gun ban is in effect now or will be soon.

IMPORTANT: FAILURE TO COMPLY WITH ANY PART OF THE PROTECTION ORDER OR FIREARMS SURRENDER PROCEDURE CAN RESULT IN CONTEMPT CHARGES, CRIMINAL PENALTIES, AND/OR A WARRANT ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

WITHIN 24 HOURS of becoming subject to the court's order that prohibits you from possessing firearms and ammunition, **YOU MUST DO ONE OF THE FOLLOWING:**

1. **Transfer all firearms and ammunition in your possession, control, or custody to law enforcement or a licensed gun dealer** (see next page for contact information)

You will be issued a *Proof of Firearms Transfer* form identifying your name, the date on which firearms were transferred, and the serial number, make and model of each firearm transferred. You will need to file this with your Declaration as directed below, **or**

2. **Transfer all firearms and ammunition in your possession, control, or custody to an eligible third Party**

The third party must not reside with you. You must arrange for an Oregon State Police criminal background check on the third party before you transfer your firearms. To arrange for the background check, you must contact a licensed gun dealer. A fee applies. The third party must complete the *Proof of Firearms Transfer* and the *Third-Party Recipient's Declaration* forms provided to you. You will need to file these two forms with your own completed *Declaration* as directed below.

AND- WITHIN 2 COURT (BUSINESS) DAYS, YOU MUST FILL OUT AND FILE THE APPROPRIATE *DECLARATION(S)* AND *PROOF OF TRANSFER* (if applicable) with the Circuit Court in Clackamas County and the office of the District Attorney (located at 807 Main St, Oregon City, OR 97045) .

The *Firearms Declarations and Proof of Transfer* are included in your service packet. They are also available at the courthouse Information Center or online at:

<https://www.courts.oregon.gov/courts/clackamas/help/Pages/firearm-surrender-program.aspx>

EVEN IF YOU HAVE NO FIREARMS OR AMMUNITION, or want to assert your constitutional right against self-incrimination, YOU MUST STILL FILL OUT YOUR FIREARM *DECLARATION* and file it with the Circuit Court and the office of the District Attorney in Clackamas County (located at 807 Main St, Oregon City, OR 97045) **WITHIN 2 COURT (BUSINESS) DAYS.**

LAW ENFORCEMENT AGENCY CONTACT INFORMATION

<p>Canby Police 503-266-1104 Firearms & Ammunition</p>	<p>Gladstone Police 503-557-2793 to schedule Firearms Prefer no ammunition</p>	<p>Lake Oswego Police 503-635-0250 Firearms only No Ammunition Must live in Lake Oswego</p>
<p>Milwaukie Police 503-786-7500 to schedule Firearms only No ammunition Must live in Milwaukie</p>	<p>Oregon City Police 503-655-8211, option 1 Call to schedule appointment Firearms only Prefer no ammunition Must live in Oregon City</p>	<p>Sandy Police 503-668-5566 Will only take surrendered firearms to be destroyed</p>
<p>West Linn Police 503-655-6214 Will only take surrendered firearms and ammunition to be destroyed Must live in West Linn</p>	<p>Clackamas County Sheriff 503-655-8211, option 1 Call to schedule appointment Must live in Clackamas County</p>	<p>Oregon State Police 503-731-3020 Call to schedule appointment Firearms & Ammunition</p>
<p>Portland Police Bureau Central Precinct 1111 SW 2nd Ave. Portland, Oregon 97204 Hours: 24 hours/7 days a week 503-823-0097</p>	<p>Portland Police Bureau Property & Evidence Division 2619 NW Industrial Way Portland, Oregon 97210 Hours: 9-12; 1-4 M-F 503-823-2179</p>	<p>Multnomah County Sheriff's Office 234 SW Kendall Ct Troutdale, OR 97060 Call 503-988-0373</p>
<p>Happy Valley Police 503-655-8211, option 1 Call to schedule appointment Firearms & Ammunition Need to bring a copy of protective order Must live in Happy Valley</p>	<p>Metro South Transfer Station 503-234-3000 Will destroy ammunition; no appointment needed unless it is a large amount of ammo</p>	

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- 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.
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REQUESTING RETURN OF FIREARMS AND AMMUNITION:

The firearm/ammunition ban ends when the protection order expires, or earlier if dismissed by court order. **The law requires you to have a background check done on yourself** before law enforcement, a dealer, or a third party returns your firearms or ammunition to you.

Please contact the concealed handgun licensing unit of your county sheriff's office for information on how to reapply for a concealed handgun license.

Frequently Asked Questions:

SURRENDER and RETURN OF FIREARMS In Clackamas County Protection Order Cases

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

Yes, but *when* depends on what the protection order you were served with says. Review the pages and sections listed below of the type of protection order you were served with, to determine when the firearm prohibition and surrender order go into effect:

- **Family Abuse Prevention Act Order**, review page 7, sections 18 & 19
- **Elderly Persons & Persons with Disabilities Abuse Prevention Act Order**, review pages 2-3, section 9
- **Sexual Abuse Prevention Order**, review page 3, section 7
- **General Judgment re Stalking Protective Order**, review the Firearms section on page 2

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

- If the “Immediate Firearm Prohibition” box is checked – you must transfer any guns and ammunition in your possession or control **within 24 hours** according to instructions in the Firearm Surrender and Return Terms that was attached to the protection order you were served with.
- If the “Immediate Firearm Prohibition” box is *not* checked – you have **24 hours** from the *earlier* of:
 1. 30 days passing after being served with the Order if you do NOT request a hearing to contest.
 2. After a hearing is held to contest the Order, and the Order is continued and not dismissed.
 3. You withdrawing your request for a hearing to contest the Order.
 4. You failing to appear for the hearing you requested to contest the Order.

3. What if I don’t have any firearms or ammunition?

You must still complete the *Respondent’s/Defendant’s Declaration of Firearms Surrender*, and **within 2 court days**:

1. File the original *Declaration* with the Clackamas County Court at the Civil Cases window on the first floor (room 104), **and**
2. Take a copy of the *Declaration* to the Clackamas County DA’s Office on the ground floor of the courthouse in room 7.

4. How much time do I have to file the *Firearms Declaration(s)* (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:

Civil Cases Unit
Room 104
Clackamas County Courthouse
807 Main St
Oregon City, Oregon 97045

Clackamas County District Attorney
Room 7
Clackamas County Courthouse
807 Main St
Oregon City, Oregon 97045

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 the 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. You must file this **within 2 business days** with your *Firearms Declaration* (see answer to Question #4, above).

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

Yes, if the licensed gun dealer agrees to storage firearms and ammunition for you. The dealer will likely charge you a storage fee for this service. You must get a *Proof of Transfer* from the dealer that lists the date of transfer and the serial #, make, and model of each transferred firearm. You must file this **within 2 business days** with your *Firearms Declaration* (see answer to Question #4, above).

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?

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 answer to Question 9, below).

If you turn your guns over to a friend or relative, that Third Party must fill out and sign the *Third-Party Recipient's Declaration of Firearms Receipt*. You must file this **within 2 business days** along with your *Firearms Declaration* (see answer to Question #4, above) and the *Proof of Transfer* form showing the approval number for the third party's background check (see answer to Question #9 below).

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 fee will be 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 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 the right to a court-appointed lawyer 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.

11. 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 in the *Firearms Surrender and Return Terms* 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 when you go to pick them up.

12. How do I get my firearms back from a friend or relative storing them when the protection order expires or is dismissed?

The person storing them can return them to you **after** you have a new background check completed *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 _____

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 _____

PROOF OF FIREARMS TRANSFER

*Complete this form if you have received firearms and ammunition
from the respondent/defendant named below¹*

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)

¹ 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 _____

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