

FIREARMS SURRENDER & RETURN TERMS

IMPORTANT: FAILURE TO COMPLY WITH ANY PART OF THE PROTECTION ORDER OR WEAPONS SURRENDER PROCEDURE MAY RESULT IN CONTEMPT CHARGES AND/OR A WARRANT ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE

If you have been served with an order that prohibits you from possessing firearms and ammunition **you must surrender those items within 24 hours.** Additionally, any concealed handgun license issued in your name must be surrendered to the Curry County Sheriff within the same 24-hour period.

❖ You may select one of the following methods of surrendering weapons:

- 1. To Law Enforcement at the time you are served.**
- 2. To Law Enforcement within 24 hours of being served.** You may contact any law enforcement agency in Curry County:

Curry County Sheriff (541) 247-3242	Oregon State Police (541) 247-6641 ext. 221	Gold Beach Police (541) 247-6671
Brookings Police (541) 469-3118	Port Orford Police (541) 332-9013	

- 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 and Firearms Surrender and Return Terms.* Inform them that your weapons are in your vehicle.
 - Follow the agency's instruction and get a copy of the receipt that lists the weapons you have surrendered. You will need this as proof to the Court.
- 3. To an eligible third party within 24 hours of being served.**
- You and the eligible third party must appear in-person before a gun dealer, with the unloaded firearm(s), and request a criminal background check on the person to whom you're transferring the firearm(s). A fee applies for the background check.
 - If the third party passes the background check, the gun dealer will receive a unique approval number from the Department of State Police, and they will notify you and the third party that the transfer of firearm(s) is approved.
 - Transfer through a gun dealer is not required if the person you are transferring firearm(s) to is legally able to possess/control the firearm(s), is not the Petitioner in a protection order that restricts you, and is related to you by one of the following ways:
 - Your current spouse/domestic partner
 - Your child or stepchild
 - Your grandparent
 - Your aunt or uncle
 - Your first cousin
 - Your parent of stepparent
 - Your sibling
 - Your grandchild
 - Your niece or nephew
 - Spouse/domestic partner of any of the people listed above

4. Filing Proof of Firearms & Ammunitions Surrender

You have **two judicial business days** after becoming subject to a court order or receiving the court order which prohibits you from possessing firearms or ammunition, to file with the court *and* provide copies to the district attorney, the following:

- Declaration, under penalty of perjury, attesting that all firearms and ammunition in your possession have been transferred to a law enforcement agency, gun dealer or third party, *and*
- Copy of the proof of transfer (*if applicable*), *and/or*
- Third party declaration (*if applicable*)

NOTICE: Under ORS 166.256(8), if you do not file a declaration *and* proof of transfer with the court within the time allowed by law, the district attorney may file contempt proceedings against you with the courts.

❖ Requesting Return of Firearms and Weapons

You are eligible to request that your firearm(s) and weapons be returned to you within a reasonable time after the protection order is dismissed or expires without renewal.

1. If your firearm(s)/weapons were surrendered to law enforcement:
 - Contact the Law Enforcement Agency to whom you surrendered the weapons after the protection order is dismissed or no longer in effect.
 - Your surrendered items (*excluding concealed handgun license) will only be returned to you after the agency confirms that the protection order is no longer in effect and you pass a background check. A fee will be charged for the background check. *You will have to apply for a new concealed handgun license.
2. If your firearm(s)/weapons were transferred to a third party:
 - You must provide proof to the third party that the order restricting you from possessing/controlling firearm(s)/weapons is no longer in effect. Request a certified document from the Civil Unit of the Court showing that the order is no longer in effect. Copy fees will be charged.
 - Both you and the third party must appear in front of a gun dealer. You will be subjected to a criminal background check. A fee will be charged for the background check. The third party may only transfer your firearm(s)/ weapons back to you upon the gun dealer receiving a unique approval number from the Department of State Police. You will be notified by the gun dealer if the transfer is approved.
 - **If you fail the criminal background check**, you may be able to pursue additional legal action with the Court under ORS 166.274. You should speak to an attorney if you need legal advice on this subject or help in preparing legal forms.