

Frequently Asked Questions:

SURRENDER and RETURN OF FIREARMS In Multnomah County 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 *Firearms Prohibition and Dispossession* section of the order (page 7, section 18 & 19 of the Family Abuse Prevention Order; page 3, section 9 for Elderly Persons and Persons with Disabilities Abuse Prevention Order; page 3, section 7 for Sexual Abuse Prevention Order).

- If the judge's initials are on the right side of the page, on the line next to the *Firearms Prohibition and Dispossession* section, the "Firearms Surrender and Return Terms" attached to the order apply to you *immediately*
- Even if box for the *Firearms Prohibition and Dispossession* section is not initialed by the Judge, the "Firearms Notification" section immediately below those boxes 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 these 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 211 of the courthouse or on the court's website.

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

- If the *Firearms Prohibition and Dispossession* boxes are 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 your firearms and ammunition to law enforcement, a licensed gun dealer, or a qualified Third Party who doesn't live with you.
- If the *Firearms Prohibition and Dispossession* boxes are *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:

Room 02108	or	East County Courthouse	Multnomah County District Attorney
Main Multnomah Central Courthouse		18480 SE Stark	Multnomah Central Courthouse
1200 SW 1 st Ave		Portland, Oregon	1200 SW 1 st Avenue
Portland, Oregon 97204			Portland, Oregon 97204

4. Where can I surrender my guns?

You can surrender (give) your guns to the Portland Police Bureau or Multnomah County Sheriff's Office at these locations during the times listed. To turn them over to the sheriff's office, you must call first to schedule an appointment. Make sure your firearms are unloaded before transporting and surrendering them.

Portland Police Bureau
Central Precinct
1111 SW 2nd Ave.
Portland, Oregon 97204
Hours: 24 hours/7 days a week
503/823-0097

Portland Police Bureau
Property & Evidence Division
2619 NW Industrial Way
Portland, Oregon 97210
Hours: 9-12; 1-4 M-F
503/823-2179

Multnomah County Sheriff's Office
234 SW Kendall Court
Troutdale, OR 97060
Mon-Thurs 8- 4PM; Friday 8- 3PM
Call 503-988-7300, option #5 to
schedule

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.

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.

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 Recipient's Declaration of Firearms Receipt*.

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 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.

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 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.