

**JACKSON COUNTY CIRCUIT COURT
FIREARMS SURRENDER AND RETURN TERMS
FOR DEFENDANTS CONVICTED OF QUALIFIED DOMESTIC
VIOLENCE CRIMES**

Your conviction means that Oregon law prohibits you **permanently** from possessing firearms/ammunition. You could be charged with a new crime for Unlawful Possession of a Firearm if you knowingly violate this law. ORS 166.255(1)(b).

WITHIN 24 HOURS, YOU MUST TAKE ONE OF THE FOLLOWING STEPS:

If you are incarcerated when sentenced, you must surrender them within 24 hours of your release.

1. **Surrender to law enforcement or a licensed gun dealer** all firearms/ammunition in your possession, control, or custody.

Or

2. **Have a third party take possession of any firearms/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 an Oregon gun dealer. A fee applies. The third party must complete the Third Party Declaration provided to you.

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

These documents will tell the court:

- A. The person/agency you gave the firearms/ammunition to, and other details of the transfer;
- B. That you have no firearms/ammunition; or
- C. That you are asserting your constitutional right against self-incrimination and are declining to make any statements about firearms/ammunition.

The **Firearms Declaration** is included in your service packet. A copy is also available at the Jackson County Circuit Court or online at: <http://courts.oregon.gov/courts/Jackson>.

**FAILURE TO COMPLY WITH COURT-ORDERED TERMS ABOUT FIREARMS POSSESSION AND SURRENDER
MAY SUBJECT YOU TO A CONTEMPT OF COURT OR CRIMINAL CHARGE.**

OPTION TO SURRENDER TO LAW ENFORCEMENT

You can surrender (give) your firearms/ammunition to the Oregon State Police (OSP), Jackson County Sheriff's Office (JCSO), or your local law enforcement agency. You **MUST CALL** first to schedule an appointment.

Do not bring your firearms/ammunition to the law enforcement agency unless you have made prior arrangements with that agency.

Oregon State Police
4500 Rogue Valley Hwy
Central Point, OR 97502
541-276-2121

Jackson County Sheriff
5179 Crater Lake Hwy
Central Point, OR 97502
541-774-6800

Medford Police Department
219 South Ivy Street
Medford, OR 97501
541-774-2250

.....
RETURN of firearms/ammunition: The firearms/ammunition ban is permanent due to your conviction. If the conviction is set aside, a new background check will be ran before the items are returned.

**Frequently Asked Questions:
FIREARMS SURRENDER AND RETURN TERMS
IN JACKSON COUNTY
QUALIFIED DOMESTIC VIOLENCE CRIMES**

1. Do I have to surrender (give up) my firearms/ammunition?

Yes. Your conviction permanently bans you from possessing firearms/ammunition. It is in effect immediately.

2. How much time do I have to turn over my firearms/ammunition?

You have 24 hours from your sentencing to transfer your firearms/ammunition to a law enforcement agency, a licensed gun dealer, or a third party not legally disqualified from having firearms/ammunition.

If you are incarcerated when sentenced, you must transfer your firearms/ammunition within 24 hours of being released.

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

You have two court (business) days from the time you had notice of the restraining order to file the Firearms Declaration with the court **and** District Attorney. If you were in jail when the gun ban went into effect, you have 2 court days from your release to file the Declaration. Take or mail the documents to **both** addresses:

Jackson County Circuit Court
100 South Oakdale Avenue
Medford, OR 97501

Jackson County District Attorney
815 West 10th Street
Medford, OR 97501

4. Where can I surrender my firearms/ammunition?

You can surrender (give) your firearms/ammunition to the Oregon State Police (OSP), Jackson County Sheriff's Office (JCSO), or your local law enforcement agency. You **MUST CALL** first to schedule an appointment. **Or** you may have a gun dealer store them (see question #7). Additionally, you can transfer them to an eligible third party (See question #8).

Do not bring your firearms/ammunition to the law enforcement agency unless you have made prior arrangements with that agency.

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 that was issued within the last 24 hours,
- The firearms are unloaded,
- The firearms are not concealed, and
- You are transporting them 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 firearms/ammunition?

Yes. The agency will give you a receipt. The receipt will list all the firearms you turn over and the type/amount of ammunition. You must attach a copy of the Proof of Transfer to the Firearms Declaration that you file.

7. Can I leave my firearms/ammunition with a gun dealer?

A licensed gun dealer can agree to store firearms/ammunition for you. The dealer may charge you a storage fee. You must get a Proof of Transfer from the dealer that lists the date of transfer and the serial number, 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 firearms/ammunition while the restraining order is in effect?

If your firearms/ammunition were not given to law enforcement or a dealer, you can turn your firearms/ammunition 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/ammunition. See *Question 9, below*. If you decide to turn your firearms/ammunition over to a friend or relative, that third party must fill out and sign the Third Party Declaration.

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

The background check is done through a licensed gun dealer. A 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 Third Party Declaration.

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

You still need to complete and file the Firearms Declaration. There is a checkbox on the Firearms Declaration that applies in this situation. This section states that you do not own or possess any firearms/ammunition. You must file the Declaration within 2 court (business) days of the firearms/ammunition ban going into effect.

11. What happens if I do not 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 court order (contempt of court).

12. How do I get my firearms/ammunition back from a law enforcement agency?

The firearms/ammunition ban that results from this conviction is permanent. Only if your conviction is set aside can you get your firearms/ammunition back.

If your conviction is set aside, you must call the law enforcement agency and make arrangements to pick up your firearms/ammunition. The law enforcement agency will do a background check on you to be sure you are legally able to possess firearms/ammunition before returning your firearms/ammunition.

13. How do I get my firearms/ammunition back from a friend or relative storing them?

The firearms/ammunition ban that results from this conviction is permanent. Only if your conviction is set aside can you get your firearms/ammunition back.

If your conviction is set aside, the person storing them can return them to you. But the law requires a background check *first* through a licensed gun dealer to make sure you are otherwise eligible to possess firearms/ammunition. See question 9 above for information about what the person needs to do to get a background check.

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

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 JACKSON

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