

House Bill 2429

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals sunset on provisions related to relief from prohibition on possessing and purchasing firearms.

Authorizes Psychiatric Security Review Board to conduct relief hearings for persons found guilty except for insanity of certain misdemeanors. Authorizes board to conduct hearings with members from adult panel, juvenile panel or both.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to relief from firearm prohibitions; amending ORS 166.250, 166.274, 166.291 and 166.470 and
3 section 5, chapter 826, Oregon Laws 2009; repealing sections 14 and 15, chapter 826, Oregon
4 Laws 2009; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) Section 14, chapter 826, Oregon Laws 2009, as amended by section 23,**
7 **chapter 826, Oregon Laws 2009, and section 2, chapter 448, Oregon Laws 2011, is repealed.**

8 **(2) Section 15, chapter 826, Oregon Laws 2009, as amended by section 24, chapter 826,**
9 **Oregon Laws 2009, and section 3, chapter 448, Oregon Laws 2011, is repealed.**

10 **SECTION 2. Section 5, chapter 826, Oregon Laws 2009, is amended to read:**

11 **Sec. 5.** (1) A person barred from transporting, shipping, possessing or receiving a firearm may
12 file a petition with the Psychiatric Security Review Board for relief from the bar if:

13 (a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(D) or (E);

14 (b) The person is barred from receiving a firearm under ORS 166.470 (1)(e) or (f) **or, if the**
15 **person has been found guilty except for insanity of a misdemeanor involving violence, ORS**
16 **166.470 (1)(g); or**

17 (c) The person is barred from possessing, receiving, shipping or transporting a firearm under 18
18 U.S.C. 922(d)(4) or (g)(4) as the result of a state mental health determination.

19 (2) The petitioner shall serve a copy of the petition on:

20 (a) The Department of Human Services and the Oregon Health Authority; and

21 (b) The district attorney in each county in which:

22 (A) The person was committed by a court to the Oregon Health Authority, or adjudicated by a
23 court as a person with mental illness, under ORS 426.130;

24 (B) The person was committed by a court to the Department of Human Services, or adjudicated
25 by a court as in need of commitment for residential care, treatment and training, under ORS 427.290;

26 (C) The person was found guilty except for insanity under ORS 161.295;

27 (D) The person was found responsible except for insanity under ORS 419C.411; or

28 (E) The person was found by a court to lack fitness to proceed under ORS 161.370.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) Following receipt of the petition, the board shall conduct a contested case hearing, make
 2 written findings of fact and conclusions of law on the issues before the board and issue a final order.

3 **Board members from the adult panel, the juvenile panel or a combination of both panels of**
 4 **the board may conduct the hearings described in this section.**

5 (4) The state and any person or entity described in subsection (2) of this section may appear and
 6 object to and present evidence relevant to the relief sought by the petitioner.

7 (5) The board shall grant the relief requested in the petition if the petitioner demonstrates,
 8 based on the petitioner’s reputation, the petitioner’s record, the circumstances surrounding the
 9 firearm disability and any other evidence in the record, that the petitioner will not be likely to act
 10 in a manner that is dangerous to public safety and that granting the relief would not be contrary
 11 to the public interest.

12 (6) If the board grants the relief requested in the petition, the board shall provide to the De-
 13 partment of State Police the minimum information necessary, as defined in ORS 181.740, to enable
 14 the department to:

15 (a) Maintain the information and transmit the information to the federal government as required
 16 under federal law; and

17 (b) Maintain a record of the person’s relief from the disqualification to possess or receive a
 18 firearm under ORS 166.250 (1)(c)(D) or (E) or 166.470 (1)(e), [or] (f) or (g).

19 (7) The petitioner may petition for judicial review of a final order of the board. The petition
 20 shall be filed in the circuit court of a county described in subsection (2)(b) of this section. The re-
 21 view shall be conducted de novo and without a jury.

22 (8) A petitioner may take an appeal from the circuit court to the Court of Appeals. Review by
 23 the Court of Appeals shall be conducted in accordance with ORS 183.500.

24 (9) A person may file a petition for relief under this section no more than once every two years.

25 (10) The board shall adopt procedural rules to carry out the provisions of this section.

26 (11) As used in this section, “state mental health determination” means:

27 (a) A finding by a court that a person lacks fitness to proceed under ORS 161.370;

28 (b) A finding that a person is guilty except for insanity of a crime under ORS 161.295 or re-
 29 sponsible except for insanity of an act under ORS 419C.411 or any determination by the Psychiatric
 30 Security Review Board thereafter;

31 (c) A commitment by a court to the Oregon Health Authority, or an adjudication by a court that
 32 a person is a person with mental illness, under ORS 426.130; or

33 (d) A commitment by a court to the Department of Human Services, or an adjudication by a
 34 court that a person is in need of commitment for residential care, treatment and training, under ORS
 35 427.290.

36 **SECTION 3.** ORS 166.250, as amended by section 11a, chapter 826, Oregon Laws 2009, section
 37 2, chapter 662, Oregon Laws 2011, and section 7, chapter 360, Oregon Laws 2013, is amended to
 38 read:

39 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
 40 166.291, 166.292 or 166.410 to 166.470 or **section 5, chapter 826, Oregon Laws 2009**, a person
 41 commits the crime of unlawful possession of a firearm if the person knowingly:

42 (a) Carries any firearm concealed upon the person;

43 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
 44 cle; or

45 (c) Possesses a firearm and:

1 (A) Is under 18 years of age;

2 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
3 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
4 volving violence, as defined in ORS 166.470; and

5 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
6 charged under this section;

7 (C) Has been convicted of a felony;

8 (D) Was committed to the Oregon Health Authority under ORS 426.130;

9 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
10 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

11 or

12 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

13 (2) This section does not prohibit:

14 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
15 sessed a firearm:

16 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or
17 guardian or by another person with the consent of the minor's parent or guardian; or

18 (B) Temporarily for hunting, target practice or any other lawful purpose; or

19 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
20 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
21 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
22 residence or place of business any handgun, and no permit or license to purchase, own, possess or
23 keep any such firearm at the person's place of residence or place of business is required of any such
24 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
25 while used, for whatever period of time, as residential quarters.

26 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

27 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
28 cessible within the meaning of this section if the handgun is within the passenger compartment of
29 the vehicle.

30 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
31 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
32 sible within the meaning of this section if:

33 (A) The handgun is stored in a closed and locked glove compartment, center console or other
34 container; and

35 (B) The key is not inserted into the lock, if the glove compartment, center console or other
36 container unlocks with a key.

37 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
38 readily accessible within the meaning of this section if:

39 (A) The handgun is in a locked container within or affixed to the vehicle; or

40 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
41 discharge of the firearm.

42 (5) Unlawful possession of a firearm is a Class A misdemeanor.

43 **SECTION 4.** ORS 166.274, as amended by section 20, chapter 826, Oregon Laws 2009, section
44 3, chapter 86, Oregon Laws 2010, section 60, chapter 595, Oregon Laws 2011, and section 4, chapter
45 662, Oregon Laws 2011, is amended to read:

1 166.274. (1) Except as provided in subsection [(10)] (11) of this section, a person barred from
 2 possessing [a firearm under ORS 166.250 (1)(c)(A) or (C) to (E) or 166.270 or barred from
 3 purchasing] **or receiving** a firearm [under ORS 166.470 (1)(a), (b) or (e) to (g)] may file a petition for
 4 relief from the bar [in the circuit court in the petitioner's county of residence.] **in accordance with**
 5 **subsection (2) of this section if:**

6 (a) **The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A) or (C) or**
 7 **166.270; or**

8 (b) **The person is barred from receiving a firearm under ORS 166.470 (1)(a) or (b) or, if**
 9 **the person has been convicted of a misdemeanor involving violence, ORS 166.470 (1)(g).**

10 (2) **A petition for relief described in this section must be filed in the circuit court in the**
 11 **petitioner's county of residence.**

12 [(2)] (3) A person may apply once per calendar year for relief under the provisions of this sec-
 13 tion.

14 [(3)(a)] (4)(a) A person petitioning for relief under this section shall serve a copy of the petition
 15 on:

16 (A) The city chief of police if the court in which the petition is filed is located in a city; or

17 (B) The sheriff of the county in which the court is located.

18 (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the
 19 petition is filed at the court.

20 [(4)(a)] (5)(a) When a petition is denied, the judge shall cause that information to be entered into
 21 the Department of State Police computerized criminal history files.

22 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of
 23 the petitioner to be entered into the Department of State Police computerized criminal history files.
 24 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-
 25 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall
 26 notify the court that granted relief under this section. The court shall review the order granting
 27 relief and determine whether to rescind the order. The Department of State Police may charge a
 28 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

29 [(5)] (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,
 30 county, district or other political subdivision or public corporation in this state, without appearance
 31 by attorney, may appear as a party to an action under this section.

32 [(6)] (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief
 33 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the
 34 petitioner does not pose a threat to the safety of the public or the petitioner.

35 [(7)] (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days
 36 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge
 37 shall then make findings and conclusions and issue a judgment based on the findings and conclusions
 38 in accordance with the requirements of law.

39 [(8)] (9) A person filing a petition under this section must pay the filing fee established under
 40 ORS 21.135.

41 [(9)(a)] (10)(a) Initial appeals of petitions shall be heard de novo.

42 (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the
 43 same manner as for any other civil action.

44 (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall
 45 be ordered to pay the attorney fees for the prevailing party.

1 [(10)] (11) The court may not grant relief under this section to a person who:

2 (a) Has been convicted of a person felony, as that term is defined in the rules of the Oregon
3 Criminal Justice Commission, or the statutory counterpart to a person felony in any other jurisdic-
4 tion, if the offense involved the use of a firearm or a deadly weapon as defined in ORS 161.015;

5 (b) Has been convicted of an offense listed in ORS 137.700 or the statutory counterpart to an
6 offense listed in ORS 137.700 in any other jurisdiction; or

7 (c) Is currently serving a felony sentence as defined in ORS 10.030 or has served a felony sen-
8 tence in the one-year period preceding the filing of the petition.

9 **SECTION 5.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section
10 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,
11 Oregon Laws 2013, section 7, chapter 591, Oregon Laws 2013, and section 2, chapter 62, Oregon
12 Laws 2014, is amended to read:

13 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
14 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
15 out in this section, shall issue the person a concealed handgun license if the person:

16 (a)(A) Is a citizen of the United States; or

17 (B) Is a legal resident alien who can document continuous residency in the county for at least
18 six months and has declared in writing to the United States Citizenship and Immigration Services
19 the intent to acquire citizenship status and can present proof of the written declaration to the
20 sheriff at the time of application for the license;

21 (b) Is at least 21 years of age;

22 (c) Is a resident of the county;

23 (d) Has no outstanding warrants for arrest;

24 (e) Is not free on any form of pretrial release;

25 (f) Demonstrates competence with a handgun by any one of the following:

26 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
27 tment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
28 of the course;

29 (B) Completion of any National Rifle Association firearms safety or training course if handgun
30 safety was a component of the course;

31 (C) Completion of any firearms safety or training course or class available to the general public
32 offered by law enforcement, community college, or private or public institution or organization or
33 firearms training school utilizing instructors certified by the National Rifle Association or a law
34 enforcement agency if handgun safety was a component of the course;

35 (D) Completion of any law enforcement firearms safety or training course or class offered for
36 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
37 cers if handgun safety was a component of the course;

38 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
39 ized shooting competition or military service;

40 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
41 revoked; or

42 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
43 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
44 was a component of the course;

45 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,

1 of a felony;

2 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
 3 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
 4 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

5 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

6 (j) Has not been found to be a person with mental illness and is not subject to an order under
 7 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of
 8 that mental illness;

9 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
 10 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
 11 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
 12 volving violence, as defined in ORS 166.470;

13 (L) Has not been convicted of an offense involving controlled substances or participated in a
 14 court-supervised drug diversion program, except this disability does not operate to exclude a person
 15 if:

16 (A) The person can demonstrate that the person has been convicted only once of a marijuana
 17 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
 18 the offense, and has not completed a drug diversion program for a marijuana possession offense that
 19 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

20 (B) The person can demonstrate that the person has only once completed a drug diversion pro-
 21 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law
 22 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that
 23 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

24 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
 25 107.700 to 107.735 or 163.738;

26 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

27 (o) Is not required to register as a sex offender in any state.

28 (2) A person who has been granted relief under ORS 166.274 or 166.293 **or section 5, chapter**
 29 **826, Oregon Laws 2009**, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws
 30 of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
 31 (1)(g) to (L) of this section.

32 (3) Before the sheriff may issue a license:

33 (a) The application must state the applicant's legal name, current address and telephone number,
 34 date and place of birth, hair and eye color and height and weight. The application must also list the
 35 applicant's residence address or addresses for the previous three years. The application must contain
 36 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
 37 section. The application may include the Social Security number of the applicant if the applicant
 38 voluntarily provides this number. The application must be signed by the applicant.

39 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 40 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 41 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 42 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 43 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 44 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 45 check and may not keep any record of the fingerprints. The Department of State Police shall report

1 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
2 Police shall also furnish the sheriff with any information about the applicant that the Department
3 of State Police may have in its possession including, but not limited to, manual or computerized
4 criminal offender information.

5 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
6 quest. The forms shall be uniform throughout this state in substantially the following form:

7 _____
8
9 APPLICATION FOR LICENSE TO CARRY
10 CONCEALED HANDGUN

11 Date _____

12 I hereby declare as follows:

13 I am a citizen of the United States or a legal resident alien who can document continuous res-
14 idency in the county for at least six months and have declared in writing to the United States Cit-
15 izenship and Immigration Services my intention to become a citizen and can present proof of the
16 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
17 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
18 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
19 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
20 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
21 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
22 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
23 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
24 volving controlled substances or completed a court-supervised drug diversion program. There are
25 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
26 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
27 person with mental illness and presently subject to an order prohibiting me from purchasing or
28 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I
29 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or
30 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records
31 expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS
32 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed
33 Forces of the United States. I am not required to register as a sex offender in any state. I under-
34 stand I will be fingerprinted and photographed.

35
36 Legal name _____
37 Age _____ Date of birth _____
38 Place of birth _____
39 Social Security number _____

40 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
41 thorized under ORS 166.291. It will be used only as a means of identification.)

42
43 Proof of identification (Two pieces of current identification are required, one of which must bear a
44 photograph of the applicant. The type of identification and the number on the identification are to
45 be filled in by the sheriff.):

1 1. _____

2 2. _____

3

4 Height _____ Weight _____

5 Hair color _____ Eye color _____

6

7 Current address _____

8

(List residence addresses for the
past three years on the back.)

9

10

11 City _____ County _____ Zip _____

12 Phone _____

13

14 I have read the entire text of this application, and the statements therein are correct and true.
15 (Making false statements on this application is a misdemeanor.)

16

(Signature of Applicant)

17

18

19 Character references.

20

Name: Address

22

Name: Address

24

25 Approved _____ Disapproved _____ by _____

26

27 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

28

29 Date _____ Fee Paid _____

30

31

- 32 (5)(a) Fees for concealed handgun licenses are:
- 33 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - 34 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - 35 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- 36 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
37 the concealed handgun license.
- 38 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
39 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
40 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
41 performance of duties under those sections.
- 42 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
43 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
44 is an applicant for a concealed handgun license or is a license holder.
- 45 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section

1 for a resident of a contiguous state who has a compelling business interest or other legitimate
2 demonstrated need.

3 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
4 person:

5 (a) Has a current Oregon driver license issued to the person showing a residence address in the
6 county;

7 (b) Is registered to vote in the county and has a voter notification card issued to the person
8 under ORS 247.181 showing a residence address in the county;

9 (c) Has documentation showing that the person currently leases or owns real property in the
10 county; or

11 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
12 tax year showing a residence address in the county.

13 (10) As used in this section, “drug diversion program” means a program in which a defendant
14 charged with a marijuana possession offense completes a program under court supervision and in
15 which the marijuana possession offense is dismissed upon successful completion of the diversion
16 program.

17 **SECTION 6.** ORS 166.470, as amended by section 11, chapter 826, Oregon Laws 2009, and sec-
18 tion 11, chapter 360, Oregon Laws 2013, is amended to read:

19 166.470. (1) Unless relief has been granted under ORS 166.274 or **section 5, chapter 826,**
20 **Oregon Laws 2009, or** 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
21 of another jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm
22 when the transferor knows or reasonably should know that the recipient:

23 (a) Is under 18 years of age;

24 (b) Has been convicted of a felony;

25 (c) Has any outstanding felony warrants for arrest;

26 (d) Is free on any form of pretrial release for a felony;

27 (e) Was committed to the Oregon Health Authority under ORS 426.130;

28 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
29 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
30 of that mental illness;

31 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
32 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
33 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
34 163.187, 163.190, 163.195 or 166.155 (1)(b); or

35 (h) Has been found guilty except for insanity under ORS 161.295 of a felony.

36 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
37 reasonably should know is stolen.

38 (3) Subsection (1)(a) of this section does not prohibit:

39 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
40 minor from transferring to the minor a firearm, other than a handgun; or

41 (b) The temporary transfer of any firearm to a minor for hunting, target practice or any other
42 lawful purpose.

43 (4) Violation of this section is a Class A misdemeanor.

44 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**
45 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

1 **on its passage.**

2
