

House Bill 2588

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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**.

Directs Department of State Police to identify states that recognize Oregon concealed handgun licenses and that impose eligibility requirements for issuing concealed handgun licenses that are substantially similar to Oregon requirements.

Provides nonresidents who are licensed to carry concealed handgun in state identified by Department of State Police with defenses provided to persons with Oregon concealed handgun license. Prohibits arrest of nonresidents who possess valid concealed handgun license issued in state whose license is verifiable through use of national law enforcement data system.

Prohibits issuance of Oregon concealed handgun license to person convicted of, or found guilty except for insanity of, misdemeanor involving violence.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to concealed handgun licenses; creating new provisions; amending ORS 166.173, 166.260,
3 166.262, 166.291, 166.370, 166.663 and 821.240; and declaring an emergency.

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

SECTION 1. (1) **As used in this section:**

5
6 (a) **“Reciprocal license” means a license or permit issued in another state that authorizes**
7 **the licensee or permittee to carry a concealed handgun in the state in which the license or**
8 **permit is issued, if the other state:**

9 (A) **Imposes eligibility requirements for the issuance of the license or permit that are**
10 **substantially similar to the requirements described in ORS 166.291 for obtaining a concealed**
11 **handgun license;**

12 (B) **Requires the licensee or permittee to renew the license or permit at least once every**
13 **seven years; and**

14 (C) **Authorizes a person who is licensed under ORS 166.291 and 166.292 to carry a con-**
15 **cealed handgun in the other state.**

16 (b) **“Verifiable reciprocal license” means a reciprocal license the validity of which may**
17 **be verified through the use of the National Law Enforcement Telecommunications System**
18 **or other similar data system available to law enforcement officers in the field.**

19 (2) **The Department of State Police shall adopt rules that identify states that issue re-**
20 **ciprocal licenses and states that issue verifiable reciprocal licenses. The department shall**
21 **review the rules at least once each year.**

SECTION 2. ORS 166.262 is amended to read:

22 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
23 (b) or 166.370 (1) if:

24 (1) The person has in the person's immediate possession a valid license to carry a firearm as
25 provided in ORS 166.291 and 166.292; **or**
26

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 **(2) The person is not a resident of this state and has in the person's immediate pos-**
2 **session a valid license that the Department of State Police has determined by rule is a veri-**
3 **fiable reciprocal license under section 1 of this 2013 Act.**

4 **SECTION 3.** ORS 166.173 is amended to read:

5 166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-
6 session of loaded firearms in public places as defined in ORS 161.015.

7 (2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

8 (a) A law enforcement officer in the performance of official duty.

9 (b) A member of the military in the performance of official duty.

10 (c) A person **who is** licensed **under ORS 166.291 and 166.292** to carry a concealed handgun.

11 **(d) A person who is not a resident of this state and who possesses a valid license that**
12 **the Department of State Police has determined by rule is a reciprocal license under section**
13 **1 of this 2013 Act.**

14 [(d)] (e) A person authorized to possess a loaded firearm while in or on a public building or
15 court facility under ORS 166.370.

16 [(e)] (f) An employee of the United States Department of Agriculture, acting within the scope
17 of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

18 **SECTION 4.** ORS 166.260, as amended by section 3, chapter 106, Oregon Laws 2012, is amended
19 to read:

20 166.260. (1) ORS 166.250 does not apply to or affect:

21 (a) Sheriffs, constables, marshals, parole and probation officers, police officers, whether active
22 or honorably retired, or other duly appointed peace officers.

23 (b) Any person summoned by any such officer to assist in making arrests or preserving the
24 peace, while said person so summoned is actually engaged in assisting the officer.

25 (c) The possession or transportation by any merchant of unloaded firearms as merchandise.

26 (d) Active or reserve members of:

27 (A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or of the
28 National Guard, when on duty;

29 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

30 (C) The Public Health Service of the United States Department of Health and Human Services,
31 when detailed by proper authority for duty with the Army or Navy of the United States.

32 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS
33 166.250 from the United States, or from this state.

34 (f) Duly authorized military or civil organizations while parading, or the members thereof when
35 going to and from the places of meeting of their organization.

36 (g) A corrections officer while transporting or accompanying an individual convicted of or ar-
37 rested for an offense and confined in a place of incarceration or detention while outside the confines
38 of the place of incarceration or detention.

39 (h) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

40 **(i) A person who is not a resident of this state and who possesses a valid license that the**
41 **Department of State Police has determined by rule is a reciprocal license under section 1 of**
42 **this 2013 Act.**

43 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has
44 been granted relief from the disability under ORS 166.274.

45 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS

1 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

2 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon
 3 the established target ranges, whether public or private, while such members are using any of the
 4 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such
 5 ranges.

6 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
 7 turning from a hunting or fishing expedition.

8 (4) The exceptions listed in subsection (1)(b) to [(h)] (i) of this section constitute affirmative de-
 9 fenses to a charge of violating ORS 166.250.

10 **SECTION 5.** ORS 166.370 is amended to read:

11 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
 12 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
 13 guilty of a Class C felony.

14 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
 15 tionally possesses:

16 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
 17 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
 18 officer.

19 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
 20 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
 21 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

22 (b) The presiding judge of a judicial district may enter an order permitting the possession of
 23 specified weapons in a court facility.

24 (3) Subsection (1) of this section does not apply to:

25 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while
 26 acting within the scope of employment.

27 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,
 28 while the summoned person is engaged in assisting the officer.

29 (c) An active or reserve member of the military forces of this state or the United States, when
 30 engaged in the performance of duty.

31 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

32 (e) **A person who is not a resident of this state and who possesses a valid license that**
 33 **the Department of State Police has determined by rule is a reciprocal license under section**
 34 **1 of this 2013 Act.**

35 [(e)] (f) A person who is authorized by the officer or agency that controls the public building to
 36 possess a firearm or dangerous weapon in that public building.

37 [(f)] (g) An employee of the United States Department of Agriculture, acting within the scope
 38 of employment, who possesses a firearm in the course of the lawful taking of wildlife.

39 [(g)] (h) Possession of a firearm on school property if the firearm:

40 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

41 (B) Is unloaded and locked in a motor vehicle.

42 (4) The exceptions listed in subsection (3)(b) to [(g)] (h) of this section constitute affirmative
 43 defenses to a charge of violating subsection (1) of this section.

44 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges
 45 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-

1 viction be guilty of a Class C felony.

2 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

3 (A) As part of a program approved by a school in the school by an individual who is partic-
4 ipating in the program;

5 (B) By a law enforcement officer acting in the officer's official capacity; or

6 (C) By an employee of the United States Department of Agriculture, acting within the scope of
7 employment, in the course of the lawful taking of wildlife.

8 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
9 166.279.

10 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a
11 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
12 with only one of the offenses.

13 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
14 fined in ORS 161.015.

15 **SECTION 6.** ORS 166.663 is amended to read:

16 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the
17 possession or in the immediate physical presence of the person a bow and arrow or a rifle, gun,
18 revolver or other firearm.

19 (2) Subsection (1) of this section does not apply to a person casting an artificial light:

20 (a) From the headlights of a motor vehicle that is being operated on a road in the usual manner.

21 (b) When the bow and arrow, rifle, gun, revolver or other firearm that the person has in the
22 possession or immediate physical presence of the person is disassembled or stored, or in the trunk
23 or storage compartment of the motor vehicle.

24 (c) When the ammunition or arrows are stored separate from the weapon.

25 (d) On land owned or lawfully occupied by that person.

26 (e) On publicly owned land when that person has an agreement with the public body to use that
27 property.

28 (f) When the person is a peace officer or government employee engaged in the performance of
29 official duties.

30 (g) When the person has been issued a license under ORS 166.291 and 166.292 to carry a con-
31 cealed weapon.

32 **(h) When the person is not a resident of this state and possesses a valid license that the**
33 **Department of State Police has determined by rule is a reciprocal license under section 1 of**
34 **this 2013 Act.**

35 (3) A peace officer may issue a citation to a person for a violation of subsection (1) of this sec-
36 tion when the violation is committed in the presence of the peace officer or when the peace officer
37 has probable cause to believe that a violation has occurred based on a description of the vehicle
38 or other information received from a peace officer who observed the violation.

39 (4) Violation of subsection (1) of this section is punishable as a Class B violation.

40 (5) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

41 **SECTION 7.** ORS 821.240 is amended to read:

42 821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle
43 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with
44 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all
45 arrows are in a quiver.

1 (2) Subsection (1) of this section does not apply to:

2 (a) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

3 (b) **A person who is not a resident of this state and who possesses a valid license that**
4 **the Department of State Police has determined by rule is a reciprocal license under section**
5 **1 of this 2013 Act.**

6 (3) As used in this section, “unloaded” means:

7 (a) If the firearm is a revolver, that there is no live cartridge in the chamber that is aligned
8 with the hammer of the revolver;

9 (b) If the firearm is a muzzle-loading firearm, that the firearm is not capped or primed; or

10 (c) If the firearm is other than a revolver or a muzzle-loading firearm, that there is no live
11 cartridge in the chamber.

12 (4) The offense described in this section, operating a snowmobile or an all-terrain vehicle while
13 carrying a firearm or bow, is a Class B traffic violation.

14 **SECTION 8.** ORS 166.291 is amended to read:

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

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

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

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

24 (c) Is a resident of the county;

25 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

1 was a component of the course;

2 (g) Has never been convicted of a felony or [*found guilty, except for insanity under ORS 161.295,*
3 *of a felony*] **a misdemeanor involving violence as defined in ORS 166.470;**

4 (h) Has [*not been convicted of a misdemeanor or*] **never been** found guilty[,] except for insanity
5 [*under ORS 161.295, of a misdemeanor within the four years prior to the application*] **of a felony or**
6 **a misdemeanor involving violence as defined in ORS 166.470;**

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

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

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

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

17 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
18 a court-supervised drug diversion program under ORS 135.907; or

19 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
20 has not been convicted of violating ORS 475.864 (3);

21 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
22 107.700 to 107.735 or 163.738;

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

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

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

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

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

36 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
37 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
38 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
39 records check is necessary, the sheriff shall request the Department of State Police to conduct the
40 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
41 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
42 check and may not keep any record of the fingerprints. The Department of State Police shall report
43 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
44 Police shall also furnish the sheriff with any information about the applicant that the Department
45 of State Police may have in its possession including, but not limited to, manual or computerized

1 criminal offender information.

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

4 _____
5
6 APPLICATION FOR LICENSE TO CARRY
7 CONCEALED HANDGUN

8 Date _____

9 I hereby declare as follows:

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

33
34 Legal name _____
35 Age _____ Date of birth _____
36 Place of birth _____
37 Social Security number _____

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

40
41 Proof of identification (Two pieces of current identification are required, one of which must bear a
42 photograph of the applicant. The type of identification and the number on the identification are to
43 be filled in by the sheriff.):

- 44 1. _____
45 2. _____

1 Height _____ Weight _____
2 Hair color _____ Eye color _____

3

4 Current address _____

5

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

6

7

8 City _____ County _____ Zip _____

9 Phone _____

10

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

13

(Signature of Applicant)

14

15

16 Character references.

17

Name	Address

18

19

Name	Address

20

21 Approved _____ Disapproved _____ by _____

22

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

24 Date _____ Fee Paid _____

25 License No. _____

26

27

28

(5)(a) Fees for concealed handgun licenses are:

29

(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

30

(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

31

(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

32

(b) The sheriff may enter into an agreement with the Department of Transportation to produce
the concealed handgun license.

33

(6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
gaged in the receipt and review of, or an investigation connected with, any application for, or in the
issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
performance of duties under those sections.

34

35

(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
shall enter the applicant's name into the Law Enforcement Data System indicating that the person
is an applicant for a concealed handgun license or is a license holder.

36

37

(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
for a resident of a contiguous state who has a compelling business interest or other legitimate
demonstrated need.

38

39

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

40

41

42

43

44

1 person:

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

4 (b) Is registered to vote in the county and has a memorandum card issued to the person under
5 ORS 247.181 showing a residence address in the county;

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

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

10 **SECTION 9.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and sec-
11 tion 34, chapter 547, Oregon Laws 2011, is amended to read:

12 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
13 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
14 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

21 (c) Is a resident of the county;

22 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

44 (g) Has never been convicted of a felony or *[found guilty, except for insanity under ORS 161.295,*
45 *of a felony]* **a misdemeanor involving violence as defined in ORS 166.470;**

1 (h) Has [*not been convicted of a misdemeanor or*] **never been** found guilty[,] except for insanity
 2 [*under ORS 161.295, of a misdemeanor within the four years prior to the application*] **of a felony or**
 3 **a misdemeanor involving violence as defined in ORS 166.470;**

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

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

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

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

14 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
 15 a court-supervised drug diversion program under ORS 135.907; or

16 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
 17 has not been convicted of violating ORS 475.864 (3);

18 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
 19 107.700 to 107.735 or 163.738;

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

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

22 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
 23 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
 24 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

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

32 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 33 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 34 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 35 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 36 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 37 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 38 check and may not keep any record of the fingerprints. The Department of State Police shall report
 39 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 40 Police shall also furnish the sheriff with any information about the applicant that the Department
 41 of State Police may have in its possession including, but not limited to, manual or computerized
 42 criminal offender information.

43 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
 44 quest. The forms shall be uniform throughout this state in substantially the following form:
 45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of, [*a felony or found guilty, except for insanity under ORS 161.295, of*] **or found guilty except for insanity of, a felony or a misdemeanor involving violence as defined in ORS 166.470**, in the State of Oregon or elsewhere. [*I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor.*] Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

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

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

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____
Current address _____

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

City _____ County _____ Zip _____
Phone _____

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

(Signature of Applicant)

Character references.

Name: Address

Name: Address

Approved _____ Disapproved _____ by _____

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

Date _____ Fee Paid _____

License No. _____

- (5)(a) Fees for concealed handgun licenses are:
 - (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- (b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- (6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.
- (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.
- (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:
 - (a) Has a current Oregon driver license issued to the person showing a residence address in the county;
 - (b) Is registered to vote in the county and has a memorandum card issued to the person under

1 ORS 247.181 showing a residence address in the county;

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

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

6 **SECTION 10. (1) The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.663 and
7 821.240 by sections 2 to 7 of this 2013 Act become operative on January 1, 2014.**

8 **(2) The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.663 and 821.240 by
9 sections 2 to 7 of this 2013 Act apply to conduct occurring on or after January 1, 2014.**

10 **SECTION 11. (1) The amendments to ORS 166.291 by sections 8 and 9 of this 2013 Act
11 become operative on January 1, 2014.**

12 **(2) The amendments to ORS 166.291 by sections 8 and 9 of this 2013 Act apply to con-
13 cealed handgun licenses issued before, on or after the effective date of this 2013 Act.**

14 **SECTION 12. This 2013 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
16 on its passage.**

17 _____