

**PROPOSED AMENDMENTS TO
SENATE BILL 1551**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete line 3 and insert "amending ORS 166.250, 166.291,
3 166.412, 166.422, 166.436, 166.460, 166.470, 181.740 and 426.133."

4 Delete lines 5 through 28 and delete pages 2 through 7 and insert:

5 "**SECTION 1.** ORS 426.133 is amended to read:

6 "426.133. (1) As used in ORS 426.005 to 426.390, 'assisted outpatient
7 treatment' may not be construed to be a commitment under ORS 426.130 and
8 does not include taking a person into custody or the forced medication of a
9 person.

10 "(2) A court may issue an order requiring a person to participate in as-
11 sisted outpatient treatment if the court finds that the person:

12 "(a)(A) Is 18 years of age or older;

13 "(B) Has a mental disorder;

14 "(C) Will not obtain treatment in the community voluntarily; and

15 "(D) Is unable to make an informed decision to seek or to comply with
16 voluntary treatment; and

17 "(b) As a result of being a person described in paragraph (a) of this sub-
18 section:

19 "(A) Is incapable of surviving safely in the community without treatment;
20 and

21 "(B) Requires treatment to prevent a deterioration in the person's condi-
22 tion that will predictably result in the person becoming a person with mental

1 illness.

2 “(3) In determining whether to issue the order under subsection (2) of this
3 section, the court shall consider, but is not limited to considering, the fol-
4 lowing factors:

5 “(a) The person’s ability to access finances in order to get food or medi-
6 cine.

7 “(b) The person’s ability to obtain treatment for the person’s medical
8 condition.

9 “(c) The person’s ability to access necessary resources in the community
10 without assistance.

11 “(d) The degree to which there are risks to the person’s safety.

12 “(e) The likelihood that the person will decompensate without immediate
13 care or treatment.

14 “(f) The person’s previous attempts to inflict physical injury on self or
15 others.

16 “(g) The person’s history of mental health treatment in the community.

17 “(h) The person’s patterns of decompensation in the past.

18 “(i) The person’s risk of being victimized or harmed by others.

19 “(j) The person’s access to the means to inflict harm on self or others.

20 “(4) The community mental health program director may recommend to
21 the court a treatment plan for a person participating in assisted outpatient
22 treatment. The court may adopt the plan as recommended or with modifica-
23 tions.

24 **“(5) As part of the order under subsection (2) of this section, the**
25 **court may prohibit the person from purchasing or possessing a firearm**
26 **during the period of assisted outpatient treatment if, in the opinion**
27 **of the court, there is a reasonable likelihood the person would consti-**
28 **tute a danger to self or others or to the community at large as a result**
29 **of the person’s mental or psychological state as demonstrated by past**
30 **behavior or participation in incidents involving unlawful violence or**

1 **threats of unlawful violence, or by reason of a single incident of ex-**
2 **treme, violent, unlawful conduct. When a court adds a firearm prohi-**
3 **bition to an order under subsection (2) of this section, the court shall**
4 **cause a copy of the order to be delivered to the sheriff of the county**
5 **who shall enter the information into the Law Enforcement Data Sys-**
6 **tem.**

7 “[5] (6) The court retains jurisdiction over the person until the earlier
8 of the end of the period of the assisted outpatient treatment established un-
9 der ORS 426.130 (2) or until the court finds that the person no longer meets
10 the criteria in subsection (2) of this section.

11 “[6] (7) This section does not:

12 “(a) Prevent a court from appointing a guardian ad litem to act for the
13 person; or

14 “(b) Require a county to provide treatment or services to, or supervision
15 of, the person if the county lacks sufficient funds for such purposes.

16 **“SECTION 2. ORS 166.250 is amended to read:**

17 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
18 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter
19 826, Oregon Laws 2009, a person commits the crime of unlawful possession
20 of a firearm if the person knowingly:

21 “(a) Carries any firearm concealed upon the person;

22 “(b) Possesses a handgun that is concealed and readily accessible to the
23 person within any vehicle; or

24 “(c) Possesses a firearm and:

25 “(A) Is under 18 years of age;

26 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
27 venile court for having committed an act which, if committed by an adult,
28 would constitute a felony or a misdemeanor involving violence, as defined
29 in ORS 166.470; and

30 “(ii) Was discharged from the jurisdiction of the juvenile court within

1 four years prior to being charged under this section;

2 “(C) Has been convicted of a felony;

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

4 “(E) Was found to be a person with mental illness and subject to an order
5 under ORS 426.130 that the person be prohibited from purchasing or pos-
6 sessing a firearm as a result of that mental illness; [or]

7 **“(F) Was ordered to participate in assisted outpatient treatment and**
8 **is presently subject to an order under ORS 426.133 that the person be**
9 **prohibited from purchasing or possessing a firearm; or**

10 “[~~(F)~~] (G) Has been found guilty except for insanity under ORS 161.295
11 of a felony.

12 “(2) This section does not prohibit:

13 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
14 this section, from possessing a firearm:

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

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

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

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

1 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
2 handgun is readily accessible within the meaning of this section if the
3 handgun is within the passenger compartment of the vehicle.

4 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
5 subsection, has no storage location that is outside the passenger compart-
6 ment of the vehicle, a handgun is not readily accessible within the meaning
7 of this section if:

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

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

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

14 “(A) The handgun is in a locked container within or affixed to the vehi-
15 cle; or

16 “(B) The handgun is equipped with a trigger lock or other locking mech-
17 anism that prevents the discharge of the firearm.

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

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

22 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
23 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the
24 crime of unlawful possession of a firearm if the person knowingly:

25 “(a) Carries any firearm concealed upon the person;

26 “(b) Possesses a handgun that is concealed and readily accessible to the
27 person within any vehicle; or

28 “(c) Possesses a firearm and:

29 “(A) Is under 18 years of age;

30 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-

1 venile court for having committed an act which, if committed by an adult,
2 would constitute a felony or a misdemeanor involving violence, as defined
3 in ORS 166.470; and

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

6 “(C) Has been convicted of a felony;

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

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

11 **“(F) Was ordered to participate in assisted outpatient treatment and**
12 **is presently subject to an order under ORS 426.133 that the person be**
13 **prohibited from purchasing or possessing a firearm; or**

14 **“[(F)] (G) Has been found guilty except for insanity under ORS 161.295**
15 **of a felony.**

16 “(2) This section does not prohibit:

17 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
18 this section, from possessing a firearm:

19 “(A) Other than a handgun, if the firearm was transferred to the minor
20 by the minor’s parent or guardian or by another person with the consent of
21 the minor’s parent or guardian; or

22 “(B) Temporarily for hunting, target practice or any other lawful purpose;
23 or

24 “(b) Any citizen of the United States over the age of 18 years who resides
25 in or is temporarily sojourning within this state, and who is not within the
26 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
27 from owning, possessing or keeping within the person’s place of residence
28 or place of business any handgun, and no permit or license to purchase, own,
29 possess or keep any such firearm at the person’s place of residence or place
30 of business is required of any such citizen. As used in this subsection, ‘resi-

1 dence' includes a recreational vessel or recreational vehicle while used, for
2 whatever period of time, as residential quarters.

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

5 "(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
6 handgun is readily accessible within the meaning of this section if the
7 handgun is within the passenger compartment of the vehicle.

8 "(b) If a vehicle, other than a vehicle described in paragraph (c) of this
9 subsection, has no storage location that is outside the passenger compart-
10 ment of the vehicle, a handgun is not readily accessible within the meaning
11 of this section if:

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

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

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

18 "(A) The handgun is in a locked container within or affixed to the vehi-
19 cle; or

20 "(B) The handgun is equipped with a trigger lock or other locking mech-
21 anism that prevents the discharge of the firearm.

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

23 "**SECTION 4.** ORS 166.291 is amended to read:

24 "166.291. (1) The sheriff of a county, upon a person's application for an
25 Oregon concealed handgun license, upon receipt of the appropriate fees and
26 after compliance with the procedures set out in this section, shall issue the
27 person a concealed handgun license if the person:

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

29 "(B) Is a legal resident alien who can document continuous residency in
30 the county for at least six months and has declared in writing to the United

1 States Citizenship and Immigration Services the intent to acquire citizenship
2 status and can present proof of the written declaration to the sheriff at the
3 time of application for the license;

4 “(b) Is at least 21 years of age;

5 “(c) Is a resident of the county;

6 “(d) Has no outstanding warrants for arrest;

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

8 “(f) Demonstrates competence with a handgun by any one of the follow-
9 ing:

10 “(A) Completion of any hunter education or hunter safety course approved
11 by the State Department of Fish and Wildlife or a similar agency of another
12 state if handgun safety was a component of the course;

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

15 “(C) Completion of any firearms safety or training course or class avail-
16 able to the general public offered by law enforcement, community college,
17 or private or public institution or organization or firearms training school
18 utilizing instructors certified by the National Rifle Association or a law
19 enforcement agency if handgun safety was a component of the course;

20 “(D) Completion of any law enforcement firearms safety or training
21 course or class offered for security guards, investigators, reserve law
22 enforcement officers or any other law enforcement officers if handgun safety
23 was a component of the course;

24 “(E) Presents evidence of equivalent experience with a handgun through
25 participation in organized shooting competition or military service;

26 “(F) Is licensed or has been licensed to carry a firearm in this state, un-
27 less the license has been revoked; or

28 “(G) Completion of any firearms training or safety course or class con-
29 ducted by a firearms instructor certified by a law enforcement agency or the
30 National Rifle Association if handgun safety was a component of the course;

1 “(g) Has never been convicted of a felony or found guilty, except for in-
2 sanity under ORS 161.295, of a felony;

3 “(h) Has not been convicted of a misdemeanor or found guilty, except for
4 insanity under ORS 161.295, of a misdemeanor within the four years prior to
5 the application;

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

8 “(j) Has not been:

9 “(A) Found to be a person with mental illness and is not subject to an
10 order under ORS 426.130 that the person be prohibited from purchasing or
11 possessing a firearm as a result of that mental illness; **or**

12 **“(B) Ordered to participate in assisted outpatient treatment and is**
13 **not presently subject to an order under ORS 426.133 that the person**
14 **be prohibited from purchasing or possessing a firearm;**

15 “(k) Has been discharged from the jurisdiction of the juvenile court for
16 more than four years if, while a minor, the person was found to be within
17 the jurisdiction of the juvenile court for having committed an act that, if
18 committed by an adult, would constitute a felony or a misdemeanor involving
19 violence, as defined in ORS 166.470;

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

23 “(A) The person has been convicted only once of violating ORS 475.864
24 (3)(c) and has not completed a court-supervised drug diversion program under
25 ORS 135.907; **or**

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

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

30 “(n) Has not received a dishonorable discharge from the Armed Forces

1 of the United States; and

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

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

8 “(3) Before the sheriff may issue a license:

9 “(a) The application must state the applicant’s legal name, current ad-
10 dress and telephone number, date and place of birth, hair and eye color and
11 height and weight. The application must also list the applicant’s residence
12 address or addresses for the previous three years. The application must con-
13 tain a statement by the applicant that the applicant meets the requirements
14 of subsection (1) of this section. The application may include the Social Se-
15 curity number of the applicant if the applicant voluntarily provides this
16 number. The application must be signed by the applicant.

17 “(b) The applicant must submit to fingerprinting and photographing by
18 the sheriff. The sheriff shall fingerprint and photograph the applicant and
19 shall conduct any investigation necessary to corroborate the requirements
20 listed under subsection (1) of this section. If a nationwide criminal records
21 check is necessary, the sheriff shall request the Department of State Police
22 to conduct the check, including fingerprint identification, through the Fed-
23 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
24 turn the fingerprint cards used to conduct the criminal records check and
25 may not keep any record of the fingerprints. The Department of State Police
26 shall report the results of the fingerprint-based criminal records check to the
27 sheriff. The Department of State Police shall also furnish the sheriff with
28 any information about the applicant that the Department of State Police may
29 have in its possession including, but not limited to, manual or computerized
30 criminal offender information.

1 **from purchasing or possessing a firearm.** If any of the previous condi-
2 tions do apply to me, I have been granted relief or wish to petition for relief
3 from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
4 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I
5 am not subject to a citation issued under ORS 163.735 or an order issued
6 under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dis-
7 honorable discharge from the Armed Forces of the United States. I am not
8 required to register as a sex offender in any state. I understand I will be
9 fingerprinted and photographed.

10

11 Legal name _____

12 Age _____ Date of birth _____

13 Place of birth _____

14 Social Security number _____

15 (Disclosure of your Social Security account number is voluntary. Solicita-
16 tion of the number is authorized under ORS 166.291. It will be used only as
17 a means of identification.)

18

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

22 1. _____

23 2. _____

24

25 Height _____ Weight _____

26 Hair color _____ Eye color _____

27

28 Current address _____

29

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

30

1 City _____ County _____ Zip _____

2 Phone _____

3

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

7

(Signature of Applicant)

8

9

10 Character references.

11 _____

12 Name Address

13 _____

14 Name Address

15

16 Approved _____ Disapproved _____ by _____

17

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

19 Date _____ Fee Paid _____

20 License No. _____

21 “ _____

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

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

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

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

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

1 “(6) No civil or criminal liability shall attach to the sheriff or any au-
2 thORIZED representative engaged in the receipt and review of, or an investi-
3 gation connected with, any application for, or in the issuance, denial or
4 revocation of, any license under ORS 166.291 to 166.295 as a result of the
5 lawful performance of duties under those sections.

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

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

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

15 “(a) Has a current Oregon driver license issued to the person showing a
16 residence address in the county;

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

20 “(c) Has documentation showing that the person currently leases or owns
21 real property in the county; or

22 “(d) Has documentation showing that the person filed an Oregon tax re-
23 turn for the most recent tax year showing a residence address in the county.

24 “**SECTION 5.** ORS 166.291, as amended by section 10, chapter 826, Oregon
25 Laws 2009, section 34, chapter 547, Oregon Laws 2011, section 5, chapter 243,
26 Oregon Laws 2013, section 9, chapter 360, Oregon Laws 2013, and section 7,
27 chapter 591, Oregon Laws 2013, is amended to read:

28 “166.291. (1) The sheriff of a county, upon a person’s application for an
29 Oregon concealed handgun license, upon receipt of the appropriate fees and
30 after compliance with the procedures set out in this section, shall issue the

1 person a concealed handgun license if the person:

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

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

8 “(b) Is at least 21 years of age;

9 “(c) Is a resident of the county;

10 “(d) Has no outstanding warrants for arrest;

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

12 “(f) Demonstrates competence with a handgun by any one of the follow-
13 ing:

14 “(A) Completion of any hunter education or hunter safety course approved
15 by the State Department of Fish and Wildlife or a similar agency of another
16 state if handgun safety was a component of the course;

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

19 “(C) Completion of any firearms safety or training course or class avail-
20 able to the general public offered by law enforcement, community college,
21 or private or public institution or organization or firearms training school
22 utilizing instructors certified by the National Rifle Association or a law
23 enforcement agency if handgun safety was a component of the course;

24 “(D) Completion of any law enforcement firearms safety or training
25 course or class offered for security guards, investigators, reserve law
26 enforcement officers or any other law enforcement officers if handgun safety
27 was a component of the course;

28 “(E) Presents evidence of equivalent experience with a handgun through
29 participation in organized shooting competition or military service;

30 “(F) Is licensed or has been licensed to carry a firearm in this state, un-

1 less the license has been revoked; or

2 “(G) Completion of any firearms training or safety course or class con-
3 ducted by a firearms instructor certified by a law enforcement agency or the
4 National Rifle Association if handgun safety was a component of the course;

5 “(g) Has never been convicted of a felony or found guilty, except for in-
6 sanity under ORS 161.295, of a felony;

7 “(h) Has not been convicted of a misdemeanor or found guilty, except for
8 insanity under ORS 161.295, of a misdemeanor within the four years prior to
9 the application;

10 “(i) Has not been committed to the Oregon Health Authority under ORS
11 426.130;

12 “(j) Has not been:

13 “(A) Found to be a person with mental illness and is not subject to an
14 order under ORS 426.130 that the person be prohibited from purchasing or
15 possessing a firearm as a result of that mental illness; or

16 “(B) Ordered to participate in assisted outpatient treatment and is
17 not presently subject to an order under ORS 426.133 that the person
18 be prohibited from purchasing or possessing a firearm;

19 “(k) Has been discharged from the jurisdiction of the juvenile court for
20 more than four years if, while a minor, the person was found to be within
21 the jurisdiction of the juvenile court for having committed an act that, if
22 committed by an adult, would constitute a felony or a misdemeanor involving
23 violence, as defined in ORS 166.470;

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

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

30 “(B) The person has completed a court-supervised drug diversion program

1 under ORS 135.907 and has not been convicted of violating ORS 475.864 (3)(c);

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

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

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

7 “(2) A person who has been granted relief under ORS 166.274 or 166.293
8 or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws
9 of this state or equivalent laws of other jurisdictions is not subject to the
10 disabilities in subsection (1)(g) to (L) of this section.

11 “(3) Before the sheriff may issue a license:

12 “(a) The application must state the applicant’s legal name, current ad-
13 dress and telephone number, date and place of birth, hair and eye color and
14 height and weight. The application must also list the applicant’s residence
15 address or addresses for the previous three years. The application must con-
16 tain a statement by the applicant that the applicant meets the requirements
17 of subsection (1) of this section. The application may include the Social Se-
18 curity number of the applicant if the applicant voluntarily provides this
19 number. The application must be signed by the applicant.

20 “(b) The applicant must submit to fingerprinting and photographing by
21 the sheriff. The sheriff shall fingerprint and photograph the applicant and
22 shall conduct any investigation necessary to corroborate the requirements
23 listed under subsection (1) of this section. If a nationwide criminal records
24 check is necessary, the sheriff shall request the Department of State Police
25 to conduct the check, including fingerprint identification, through the Fed-
26 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
27 turn the fingerprint cards used to conduct the criminal records check and
28 may not keep any record of the fingerprints. The Department of State Police
29 shall report the results of the fingerprint-based criminal records check to the
30 sheriff. The Department of State Police shall also furnish the sheriff with

1 any information about the applicant that the Department of State Police may
2 have in its possession including, but not limited to, manual or computerized
3 criminal offender information.

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

7 “

8 APPLICATION FOR LICENSE TO CARRY
9 CONCEALED HANDGUN

10 Date _____

11 I hereby declare as follows:

12 I am a citizen of the United States or a legal resident alien who can
13 document continuous residency in the county for at least six months and
14 have declared in writing to the United States Citizenship and Immigration
15 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
17 21 years of age. I have been discharged from the jurisdiction of the juvenile
18 court for more than four years if, while a minor, I was found to be within
19 the jurisdiction of the juvenile court for having committed an act that, if
20 committed by an adult, would constitute a felony or a misdemeanor involving
21 violence, as defined in ORS 166.470. I have never been convicted of a felony
22 or found guilty, except for insanity under ORS 161.295, of a felony in the
23 State of Oregon or elsewhere. I have not, within the last four years, been
24 convicted of a misdemeanor or found guilty, except for insanity under ORS
25 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
26 not been convicted of an offense involving controlled substances or com-
27 pleted a court-supervised drug diversion program. There are no outstanding
28 warrants for my arrest and I am not free on any form of pretrial release. I
29 have not been committed to the Oregon Health Authority under ORS 426.130,
30 nor have I been found to be a person with mental illness and presently sub-

1 ject to an order prohibiting me from purchasing or possessing a firearm be-
2 cause of mental illness. **I am not under a court order to participate in**
3 **assisted outpatient treatment that includes an order prohibiting me**
4 **from purchasing or possessing a firearm.** If any of the previous condi-
5 tions do apply to me, I have been granted relief or wish to petition for relief
6 from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
7 had the records expunged. I am not subject to a citation issued under ORS
8 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I
9 have never received a dishonorable discharge from the Armed Forces of the
10 United States. I am not required to register as a sex offender in any state.
11 I understand I will be fingerprinted and photographed.

12

13 Legal name _____
14 Age _____ Date of birth _____
15 Place of birth _____
16 Social Security number _____

17 (Disclosure of your Social Security account number is voluntary. Solicita-
18 tion of the number is authorized under ORS 166.291. It will be used only as
19 a means of identification.)

20

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

24 1. _____

25 2. _____

26

27 Height _____ Weight _____
28 Hair color _____ Eye color _____

29

30 Current address _____

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

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

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

1 change of address.

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

4 “(6) No civil or criminal liability shall attach to the sheriff or any au-
5 thorized representative engaged in the receipt and review of, or an investi-
6 gation connected with, any application for, or in the issuance, denial or
7 revocation of, any license under ORS 166.291 to 166.295 as a result of the
8 lawful performance of duties under those sections.

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

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

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

18 “(a) Has a current Oregon driver license issued to the person showing a
19 residence address in the county;

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

23 “(c) Has documentation showing that the person currently leases or owns
24 real property in the county; or

25 “(d) Has documentation showing that the person filed an Oregon tax re-
26 turn for the most recent tax year showing a residence address in the county.

27 **“SECTION 6.** ORS 166.470 is amended to read:

28 “166.470. (1) Unless relief has been granted under ORS 166.274 or section
29 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or the expunction laws
30 of this state or an equivalent law of another jurisdiction, a person may not

1 intentionally sell, deliver or otherwise transfer any firearm when the
2 transferor knows or reasonably should know that the recipient:

3 “(a) Is under 18 years of age;

4 “(b) Has been convicted of a felony;

5 “(c) Has any outstanding felony warrants for arrest;

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

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

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

11 “(g) Has been convicted of a misdemeanor involving violence or found
12 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
13 olence within the previous four years. As used in this paragraph,
14 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
15 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

16 **“(h) Was ordered to participate in assisted outpatient treatment and**
17 **is presently subject to an order under ORS 426.133 that the person be**
18 **prohibited from purchasing or possessing a firearm; or**

19 “[*h*] (i) Has been found guilty except for insanity under ORS 161.295 of
20 a felony.

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

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

24 “(a) The parent or guardian, or another person with the consent of the
25 parent or guardian, of a minor from transferring to the minor a firearm,
26 other than a handgun; or

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

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

30 **“SECTION 7. ORS 166.470, as amended by section 11, chapter 826, Oregon**

1 Laws 2009, and section 11, chapter 360, Oregon Laws 2013, is amended to
2 read:

3 "166.470. (1) Unless relief has been granted under ORS 166.274 or 18
4 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of
5 another jurisdiction, a person may not intentionally sell, deliver or otherwise
6 transfer any firearm when the transferor knows or reasonably should know
7 that the recipient:

8 "(a) Is under 18 years of age;

9 "(b) Has been convicted of a felony;

10 "(c) Has any outstanding felony warrants for arrest;

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

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

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

16 "(g) Has been convicted of a misdemeanor involving violence or found
17 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
18 olence within the previous four years. As used in this paragraph,
19 'misdemeanor involving violence' means a misdemeanor described in ORS
20 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

21 "**(h) Was ordered to participate in assisted outpatient treatment and**
22 **is presently subject to an order under ORS 426.133 that the person be**
23 **prohibited from purchasing or possessing a firearm; or**

24 "[*h*] (i) Has been found guilty except for insanity under ORS 161.295 of
25 a felony.

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

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

29 "(a) The parent or guardian, or another person with the consent of the
30 parent or guardian, of a minor from transferring to the minor a firearm,

1 other than a handgun; or

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

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

5 “**SECTION 8.** ORS 166.460 is amended to read:

6 “166.460. (1) ORS 166.250, 166.260, 166.291 to 166.295, 166.410, 166.412,
7 166.425, 166.434, 166.438 and 166.450 do not apply to antique firearms.

8 “(2) Notwithstanding the provisions of subsection (1) of this section, pos-
9 session of an antique firearm by a person described in ORS 166.250 (1)(c)(B)
10 to (D) or [(F)] (G) constitutes a violation of ORS 166.250.

11 “**SECTION 9.** ORS 181.740 is amended to read:

12 “181.740. (1) The Department of Human Services, the Oregon Health Au-
13 thority, the Psychiatric Security Review Board and the Judicial Department
14 shall provide the Department of State Police with the minimum information
15 necessary to identify persons who:

16 “(a) Have been committed by a court to the Oregon Health Authority
17 under ORS 426.130, based on a finding that the person is dangerous to self
18 or others;

19 “(b) Are subject to a court order under ORS 426.130 or ~~426.133~~ prohibiting
20 the person from purchasing or possessing a firearm;

21 “(c) Have been committed by a court to the Department of Human Ser-
22 vices under ORS 427.290, based on a finding that the person is dangerous to
23 self or others;

24 “(d) Have been found by a court to lack fitness to proceed under ORS
25 161.370;

26 “(e) Have been found guilty except for insanity of a crime under ORS
27 161.295 to 161.370;

28 “(f) Have been found responsible except for insanity for an act under ORS
29 419C.411;

30 “(g) Have been placed under the jurisdiction of the Psychiatric Security

1 Review Board or the Oregon Health Authority under ORS 161.315 to 161.351;
2 or

3 “(h) Have been committed to a state hospital or facility under ORS
4 161.315 to 161.351 or 419C.529 to 419C.544.

5 “(2) Upon receipt of the information described in this section, the De-
6 partment of State Police shall access and maintain the information and
7 transmit the information to the federal government as required under federal
8 law.

9 “(3) The Department of Human Services, the Oregon Health Authority,
10 the Psychiatric Security Review Board and the Judicial Department shall
11 enter into agreements with the Department of State Police describing the
12 access to information provided under this section.

13 “(4) The Department of State Police shall adopt rules:

14 “(a) After consulting with the Department of Human Services, the Oregon
15 Health Authority, the Psychiatric Security Review Board and the Judicial
16 Department, describing the type of information provided to the Department
17 of State Police under this section; and

18 “(b) Describing the method and manner of maintaining the information
19 described in this section and transmitting the information to the federal
20 government.

21 “(5) As used in this section, ‘minimum information necessary’ means data
22 elements or nominal information that is necessary or required under federal
23 law to accurately identify a person described in this section and includes the
24 person’s name, date of birth, gender and reference information that identifies
25 the originating agency or court and enables the originating agency or court
26 to locate an underlying record or file of a person described in this section.
27 ‘Minimum information necessary’ does not include any medical, psychiatric
28 or psychological information, case histories or files of a person described in
29 this section or any record or file of an originating agency or court.

30 **“SECTION 10.** ORS 166.412 is amended to read:

1 "166.412. (1) As used in this section:
2 "(a) 'Antique firearm' has the meaning given that term in 18 U.S.C. 921;
3 "(b) 'Department' means the Department of State Police;
4 "(c) 'Firearm' has the meaning given that term in ORS 166.210, except
5 that it does not include an antique firearm;
6 "(d) 'Firearms transaction record' means the firearms transaction record
7 required by 18 U.S.C. 921 to 929;
8 "(e) 'Firearms transaction thumbprint form' means a form provided by the
9 department under subsection (11) of this section;
10 "(f) 'Gun dealer' means a person engaged in the business, as defined in
11 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
12 the person is a retail dealer, pawnbroker or otherwise;
13 "(g) 'Handgun' has the meaning given that term in ORS 166.210; and
14 "(h) 'Purchaser' means a person who buys, leases or otherwise receives a
15 firearm from a gun dealer.
16 "(2) Except as provided in subsections (3)(c) and (12) of this section, a gun
17 dealer shall comply with the following before a handgun is delivered to a
18 purchaser:
19 "(a) The purchaser shall present to the dealer current identification
20 meeting the requirements of subsection (4) of this section.
21 "(b) The gun dealer shall complete the firearms transaction record and
22 obtain the signature of the purchaser on the record.
23 "(c) The gun dealer shall obtain the thumbprints of the purchaser on the
24 firearms transaction thumbprint form and attach the form to the gun dealer's
25 copy of the firearms transaction record to be filed with that copy.
26 "(d) The gun dealer shall request by telephone that the department con-
27 duct a criminal history record check on the purchaser and shall provide the
28 following information to the department:
29 "(A) The federal firearms license number of the gun dealer;
30 "(B) The business name of the gun dealer;

1 “(C) The place of transfer;

2 “(D) The name of the person making the transfer;

3 “(E) The make, model, caliber and manufacturer’s number of the handgun
4 being transferred;

5 “(F) The name and date of birth of the purchaser;

6 “(G) The Social Security number of the purchaser if the purchaser vol-
7 untarily provides this number to the gun dealer; and

8 “(H) The type, issuer and identification number of the identification pre-
9 sented by the purchaser.

10 “(e) The gun dealer shall receive a unique approval number for the
11 transfer from the department and record the approval number on the firearms
12 transaction record and on the firearms transaction thumbprint form.

13 “(f) The gun dealer may destroy the firearms transaction thumbprint form
14 five years after the completion of the firearms transaction thumbprint form.

15 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
16 record check, the department shall immediately, during the gun dealer’s
17 telephone call or by return call:

18 “(A) Determine, from criminal records and other information available to
19 it, whether the purchaser is disqualified under ORS 166.470 from completing
20 the purchase; and

21 “(B) Notify the dealer when a purchaser is disqualified from completing
22 the transfer or provide the dealer with a unique approval number indicating
23 that the purchaser is qualified to complete the transfer.

24 “(b) If the department is unable to determine if the purchaser is qualified
25 or disqualified from completing the transfer within 30 minutes, the depart-
26 ment shall notify the dealer and provide the dealer with an estimate of the
27 time when the department will provide the requested information.

28 “(c) If the department fails to provide a unique approval number to a gun
29 dealer or to notify the gun dealer that the purchaser is disqualified under
30 paragraph (a) of this subsection before the close of the gun dealer’s next

1 business day following the request by the dealer for a criminal history record
2 check, the dealer may deliver the handgun to the purchaser.

3 “(4)(a) Identification required of the purchaser under subsection (2) of this
4 section shall include one piece of current identification bearing a photograph
5 and the date of birth of the purchaser that:

6 “(A) Is issued under the authority of the United States Government, a
7 state, a political subdivision of a state, a foreign government, a political
8 subdivision of a foreign government, an international governmental organ-
9 ization or an international quasi-governmental organization; and

10 “(B) Is intended to be used for identification of an individual or is com-
11 monly accepted for the purpose of identification of an individual.

12 “(b) If the identification presented by the purchaser under paragraph (a)
13 of this subsection does not include the current address of the purchaser, the
14 purchaser shall present a second piece of current identification that contains
15 the current address of the purchaser. The Superintendent of State Police may
16 specify by rule the type of identification that may be presented under this
17 paragraph.

18 “(c) The department may require that the dealer verify the identification
19 of the purchaser if that identity is in question by sending the thumbprints
20 of the purchaser to the department.

21 “(5) The department shall establish a telephone number that shall be op-
22 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
23 purpose of responding to inquiries from dealers for a criminal history record
24 check under this section.

25 “(6) No public employee, official or agency shall be held criminally or
26 civilly liable for performing the investigations required by this section pro-
27 vided the employee, official or agency acts in good faith and without malice.

28 “(7)(a) The department may retain a record of the information obtained
29 during a request for a criminal [*records*] **history record** check for no more
30 than five years.

1 “(b) The record of the information obtained during a request for a crimi-
2 nal [*records*] **history record** check by a gun dealer is exempt from disclosure
3 under public records law.

4 “(c) **If the department determines that a purchaser is prohibited**
5 **from possessing a firearm under ORS 166.250 (1)(c), as soon as practi-**
6 **cable the department shall report the attempted transfer and the**
7 **purchaser’s name to the sheriff of the county in which the purchaser**
8 **is attempting to complete the transfer of the firearm, and, if applica-**
9 **ble, to the chief of police of the city in which the purchaser is at-**
10 **tempting to complete the transfer of the firearm.**

11 “(8) A law enforcement agency may inspect the records of a gun dealer
12 relating to transfers of handguns with the consent of a gun dealer in the
13 course of a reasonable inquiry during a criminal investigation or under the
14 authority of a properly authorized subpoena or search warrant.

15 “(9) When a handgun is delivered, it shall be unloaded.

16 “(10) In accordance with applicable provisions of ORS chapter 183, the
17 Superintendent of State Police may adopt rules necessary for:

18 “(a) The design of the firearms transaction thumbprint form;

19 “(b) The maintenance of a procedure to correct errors in the criminal re-
20 cords of the department;

21 “(c) The provision of a security system to identify dealers who request a
22 criminal history record check under subsection (2) of this section; and

23 “(d) The creation and maintenance of a database of the business hours
24 of gun dealers.

25 “(11) The department shall publish the firearms transaction thumbprint
26 form and shall furnish the form to gun dealers on application at cost.

27 “(12) This section does not apply to transactions between persons licensed
28 as dealers under 18 U.S.C. 923.

29 “**SECTION 11.** ORS 166.436 is amended to read:

30 “166.436. (1) The Department of State Police shall make the telephone

1 number established under ORS 166.412 (5) available for requests from persons
2 other than gun dealers for criminal background checks under this section.

3 “(2) Prior to transferring a firearm, a transferor other than a gun dealer
4 may request by telephone that the department conduct a criminal back-
5 ground check on the recipient and shall provide the following information
6 to the department:

7 “(a) The name, address and telephone number of the transferor;

8 “(b) The make, model, caliber and manufacturer’s number of the firearm
9 being transferred;

10 “(c) The name, date of birth, race, sex and address of the recipient;

11 “(d) The Social Security number of the recipient if the recipient volun-
12 tarily provides that number;

13 “(e) The address of the place where the transfer is occurring; and

14 “(f) The type, issuer and identification number of a current piece of
15 identification bearing a recent photograph of the recipient presented by the
16 recipient. The identification presented by the recipient must meet the re-
17 quirements of ORS 166.412 (4)(a).

18 “(3)(a) Upon receipt of a request for a criminal background check under
19 this section, the department shall immediately, during the telephone call or
20 by return call:

21 “(A) Determine from criminal records and other information available to
22 it whether the recipient is disqualified under ORS 166.470 from completing
23 the transfer or is otherwise prohibited by state or federal law from possess-
24 ing a firearm; and

25 “(B) Notify the transferor when a recipient is disqualified from complet-
26 ing the transfer or provide the transferor with a unique approval number
27 indicating that the recipient is qualified to complete the transfer. The unique
28 approval number is a permit valid for 24 hours for the requested transfer. If
29 the firearm is not transferred from the transferor to the recipient within 24
30 hours after receipt of the unique approval number, a new request must be

1 made by the transferor.

2 “(b) If the department is unable to determine whether the recipient is
3 qualified for or disqualified from completing the transfer within 30 minutes
4 of receiving the request, the department shall notify the transferor and pro-
5 vide the transferor with an estimate of the time when the department will
6 provide the requested information.

7 “(4) A public employee or public agency incurs no criminal or civil li-
8 ability for performing the criminal background checks required by this sec-
9 tion, provided the employee or agency acts in good faith and without malice.

10 “(5)(a) The department may retain a record of the information obtained
11 during a request for a criminal background check under this section for the
12 period of time provided in ORS 166.412 (7).

13 “(b) The record of the information obtained during a request for a crimi-
14 nal background check under this section is exempt from disclosure under
15 public records law.

16 “(c) **If the department determines that a recipient is prohibited**
17 **from possessing a firearm under ORS 166.250 (1)(c), as soon as practi-**
18 **cable the department shall report the attempted transfer and the**
19 **recipient’s name to the sheriff of the county in which the recipient is**
20 **attempting to complete the transfer of the firearm, and, if applicable,**
21 **to the chief of police of the city in which the recipient is attempting**
22 **to complete the transfer of the firearm.**

23 “(6) The recipient of the firearm must be present when the transferor re-
24 quests a criminal background check under this section.

25 “(7)(a) Except as otherwise provided in paragraphs (b) and (c) of this
26 subsection, a transferor who receives notification under this section that the
27 recipient is qualified to complete the transfer of a firearm is immune from
28 civil liability for any use of the firearm from the time of the transfer unless
29 the transferor knows, or reasonably should know, that the recipient is likely
30 to commit an unlawful act involving the firearm.

1 “(b) If the transferor is required to request a criminal background check
2 under ORS 166.438, the immunity provided by paragraph (a) of this sub-
3 section applies only if, in addition to receiving the notification required by
4 this section, the transferor has the recipient fill out the form required by
5 ORS 166.438 (1)(a) and retains the form as required by ORS 166.438 (2).

6 “(c) The immunity provided by paragraph (a) of this subsection does not
7 apply:

8 “(A) If the transferor knows, or reasonably should know, that the recipi-
9 ent of the firearm intends to deliver the firearm to a third person who the
10 transferor knows, or reasonably should know, may not lawfully possess the
11 firearm; or

12 “(B) In any product liability civil action under ORS 30.900 to 30.920.

13 “**SECTION 12.** ORS 166.422 is amended to read:

14 “166.422. Where appropriate, a person may enforce the legal duties im-
15 posed by ORS 166.412 (7)(a) or (b), by the provisions of ORS 30.260 to 30.300
16 and ORS chapter 183.”.

17
