

**PROPOSED AMENDMENTS TO
HOUSE BILL 2853**

1 On page 1 of the printed bill, line 2, after "ORS" delete the rest of the
2 line and insert "166.274, 166.412, 426.160 and 427.293."

3 Delete lines 4 through 31 and delete pages 2 through 6 and insert:

4 **"SECTION 1. (1) The Department of Human Services, the Psychi-**
5 **atric Security Review Board and the Judicial Department shall provide**
6 **the Department of State Police with the minimum information neces-**
7 **sary to enable the Department of State Police to determine a person's**
8 **qualifications to transport, ship, possess or receive a firearm under**
9 **state or federal law by identifying persons who:**

10 **"(a) Have been committed to the Department of Human Services**
11 **under ORS 426.130;**

12 **"(b) Are subject to a court order under ORS 426.130 prohibiting the**
13 **person from purchasing or possessing a firearm;**

14 **"(c) Have been determined to be mentally ill under ORS 426.130;**

15 **"(d) Have been committed to the Department of Human Services,**
16 **or have been determined to be mentally retarded, under ORS 427.290;**

17 **"(e) Have been committed to a state hospital or secure intensive**
18 **community inpatient facility, or have been determined to lack fitness**
19 **to proceed, under ORS 161.360, 161.365 or 161.370;**

20 **"(f) Have been found guilty except for insanity of a crime under**
21 **ORS 161.290 to 161.370;**

22 **"(g) Have been found responsible except for insanity for an act un-**

1 der ORS 419C.529 to 419C.544;

2 “(h) Have been placed under the jurisdiction of the Psychiatric Se-
3 curity Review Board; or

4 “(i) Have been committed to a state hospital or facility under ORS
5 161.327, 161.336 to 161.351 or 419C.529 to 419C.544.

6 “(2) The Department of State Police, after consulting with the De-
7 partment of Human Services, the Psychiatric Security Review Board
8 and the Judicial Department, shall adopt rules describing the type of
9 information provided to the Department of State Police under this
10 section.

11 “(3) The Department of Human Services, the Psychiatric Security
12 Review Board and the Judicial Department shall enter into agreements
13 with the Department of State Police describing the access to infor-
14 mation provided under this section.

15 “(4) As used in this section, ‘minimum information necessary’
16 means data elements or nominal information that is necessary or re-
17 quired under federal or state law to accurately identify a person de-
18 scribed in this section and includes the person’s name, date of birth,
19 gender and reference information that identifies the originating
20 agency or court and enables the originating agency or court to locate
21 an underlying record or file of a person described in this section.
22 ‘Minimum information necessary’ does not include any medical, psy-
23 chiatric or psychological information, case histories or files of a per-
24 son described in this section or any record or file of an originating
25 agency or court.

26 “SECTION 2. ORS 426.160 is amended to read:

27 “426.160. The judge shall cause to be recorded in the court records a full
28 account of proceedings had at all hearings and examinations conducted pur-
29 suant to ORS 426.005, 426.060 to 426.170, 426.217, 426.228, 426.255 to 426.292,
30 426.300 to 426.309, 426.335, 426.385 and 426.395, together with the judgments

1 and orders of the court and a copy of the orders issued. The account of the
2 proceedings and transcripts of testimony if taken thereat shall be delivered
3 to the court clerk or court administrator who shall cause it to be sealed and
4 neither the account of the proceedings nor the transcript of testimony if
5 taken shall be disclosed to any person except:

6 **“(1) The court shall, pursuant to rules adopted by the Department
7 of State Police, transmit the minimum information necessary, as de-
8 fined in section 1 of this 2009 Act, to the Department of State Police
9 bureau of criminal identification to enable the department to deter-
10 mine the qualifications of a person found to be mentally ill to trans-
11 port, ship, possess or receive a firearm under state or federal law;**

12 **“[(1)] (2) As provided in ORS 426.070 (5)(c), 426.130 (3) or 426.170;**

13 **“[(2)] (3) Upon request of the person subject to the proceedings, the legal
14 representatives, or the attorney of the person; or**

15 **“[(3)] (4) Pursuant to court order.**

16 **“SECTION 3. ORS 427.293 is amended to read:**

17 **“427.293. (1) The court shall cause to be recorded in the court records:**

18 **“(a) A full account of all proceedings conducted under ORS 427.235 to
19 427.290;**

20 **“(b) Reports submitted to the court under ORS 427.270;**

21 **“(c) The judgments and orders of the court; and**

22 **“(d) A copy of the judgments and orders issued.**

23 **“(2) The account of the proceedings, including any transcript of testi-
24 mony, and reports submitted to the court under ORS 427.270 shall be deliv-
25 ered to the court clerk or court administrator who shall cause them to be
26 sealed. The account of the proceedings, the reports and any transcript of
27 testimony may not be disclosed to any person except [upon]:**

28 **“(a) That the court shall, pursuant to rules adopted by the Depart-
29 ment of State Police, transmit the minimum information necessary,
30 as defined in section 1 of this 2009 Act, to the Department of State**

1 **Police to enable the department to determine the qualifications of a**
2 **person found to be mentally retarded to transport, ship, possess or**
3 **receive a firearm under state or federal law;**

4 **"[(a)] (b) Upon** request of the person subject to the proceedings or the
5 legal representative or attorney of the person; or

6 **"[(b)] (c) Pursuant to an** order of the court.

7 **"SECTION 4. ORS 166.412 is amended to read:**

8 **"166.412. (1) As used in this section:**

9 **"(a) 'Antique firearm' has the meaning given that term in 18 U.S.C. 921;**

10 **"(b) 'Department' means the Department of State Police;**

11 **"(c) 'Firearm' has the meaning given that term in ORS 166.210, except**
12 **that it does not include an antique firearm;**

13 **"(d) 'Firearms transaction record' means the firearms transaction record**
14 **required by 18 U.S.C. 921 to 929;**

15 **"(e) 'Firearms transaction thumbprint form' means a form provided by the**
16 **department under subsection [(12)] (11) of this section;**

17 **"(f) 'Gun dealer' means a person engaged in the business, as defined in**
18 **18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether**
19 **the person is a retail dealer, pawnbroker or otherwise;**

20 **"(g) 'Handgun' has the meaning given that term in ORS 166.210; and**

21 **"(h) 'Purchaser' means a person who buys, leases or otherwise receives a**
22 **firearm from a gun dealer.**

23 **"(2) Except as provided in subsections (3)(c) and [(13)] (12) of this section,**
24 **a gun dealer shall comply with the following before a handgun is delivered**
25 **to a purchaser:**

26 **"(a) The purchaser shall present to the dealer current identification**
27 **meeting the requirements of subsection (4) of this section.**

28 **"(b) The gun dealer shall complete the firearms transaction record and**
29 **obtain the signature of the purchaser on the record.**

30 **"(c) The gun dealer shall obtain the thumbprints of the purchaser on the**

1 firearms transaction thumbprint form and attach the form to the gun dealer's
2 copy of the firearms transaction record to be filed with that copy.

3 “(d) The gun dealer shall request by telephone that the department con-
4 duct a criminal history record check on the purchaser and shall provide the
5 following information to the department:

6 “(A) The federal firearms license number of the gun dealer;

7 “(B) The business name of the gun dealer;

8 “(C) The place of transfer;

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

10 “(E) The make, model, caliber and manufacturer's number of the handgun
11 being transferred;

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

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

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

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

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

22 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
23 record check, the department shall immediately, during the gun dealer's
24 telephone call or by return call:

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

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

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

5 “(c) If the department fails to provide a unique approval number to a gun
6 dealer or to notify the gun dealer that the purchaser is disqualified under
7 paragraph (a) of this subsection before the close of the gun dealer’s next
8 business day following the request by the dealer for a criminal history record
9 check, the dealer may deliver the handgun to the purchaser.

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

13 “(A) Is issued under the authority of the United States Government, a
14 state, a political subdivision of a state, a foreign government, a political
15 subdivision of a foreign government, an international governmental organ-
16 ization or an international quasi-governmental organization; and

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

19 “(b) If the identification presented by the purchaser under paragraph (a)
20 of this subsection does not include the current address of the purchaser, the
21 purchaser shall present a second piece of current identification that contains
22 the current address of the purchaser. The Superintendent of State Police may
23 specify by rule the type of identification that may be presented under this
24 paragraph.

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

28 “(5) The department shall establish a telephone number that shall be op-
29 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
30 purpose of responding to inquiries from dealers for a criminal history record

1 check under this section.

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

5 “(7)(a) The department may retain a record of the information obtained
6 during a request for a criminal records check for no more than five years.

7 “(b) The record of the information obtained during a request for a crimi-
8 nal records check by a gun dealer is exempt from disclosure under public
9 records law.

10 “[~~(8)~~ *The Department of Human Services shall provide the Department of*
11 *State Police with direct electronic access to information from the Department*
12 *of Human Services' database of information identifying persons meeting the*
13 *criteria in ORS 166.470 (1)(e) and (f) who were committed or subject to an*
14 *order under ORS 426.130. The Department of State Police and the Department*
15 *of Human Services shall enter into an agreement describing the access to in-*
16 *formation under this subsection.*]

17 “[~~(9)~~ **(8)** A law enforcement agency may inspect the records of a gun
18 dealer relating to transfers of handguns with the consent of a gun dealer in
19 the course of a reasonable inquiry during a criminal investigation or under
20 the authority of a properly authorized subpoena or search warrant.

21 “[~~(10)~~ **(9)** When a handgun is delivered, it shall be unloaded.

22 “[~~(11)~~ **(10)** In accordance with applicable provisions of ORS chapter 183,
23 the Superintendent of State Police may adopt rules necessary for:

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

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

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

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

1 “[(12)] (11) The department shall publish the firearms transaction
2 thumbprint form and shall furnish the form to gun dealers on application at
3 cost.

4 “[(13)] (12) This section does not apply to transactions between persons
5 licensed as dealers under 18 U.S.C. 923.

6 **“SECTION 5. (1) A person barred from transporting, shipping, pos-**
7 **sessing or receiving a firearm may file a petition with the Psychiatric**
8 **Security Review Board for relief from the bar if:**

9 **“(a) The person is barred from possessing a firearm under ORS**
10 **166.250 (1)(c)(D) or (E);**

11 **“(b) The person is barred from receiving a firearm under:**

12 **“(A) ORS 166.470 (1)(e) or (f); or**

13 **“(B) ORS 166.470 (1)(b) and the bar is solely the result of the person**
14 **being found guilty except for insanity of a felony; or**

15 **“(C) The person is barred from possessing, receiving, shipping or**
16 **transporting a firearm under 18 U.S.C. 922 (d)(4) or (g)(4) as the result**
17 **of a federal firearm disability.**

18 **“(2) The petitioner shall serve a copy of the petition on:**

19 **“(a) The Department of Human Services; and**

20 **“(b) The district attorney in each county in which:**

21 **“(A) The person was determined to be mentally ill under ORS**
22 **426.130 or mentally retarded under ORS 427.290;**

23 **“(B) The person was found guilty except for insanity under ORS**
24 **161.295 or responsible except for insanity under ORS 419C.411; or**

25 **“(C) The person was committed under ORS 161.365 or found to lack**
26 **fitness to proceed under ORS 161.370.**

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

30 **“(4) The state and any person or entity described in subsection (2)**

1 of this section may appear as a party to any hearing or action under
2 this section and may object to and present evidence relevant to the
3 relief sought by the petitioner.

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

10 “(6) If the board grants the relief requested in the petition, the
11 board shall provide to the Department of State Police the minimum
12 information necessary, as defined in section 1 of this 2009 Act, to en-
13 able the department to determine whether the person remains subject
14 to a state or federal firearm disability.

15 “(7) Any party may petition for judicial review of a final order of
16 the board. The review shall be filed in the circuit court of a county
17 described in subsection (2) of this section.

18 “(8) If the board has denied the relief requested in the petition, the
19 review conducted by the circuit court shall be de novo and conducted
20 without a jury. In all other cases, the review shall be conducted in
21 accordance with ORS 183.482 (7) and (8).

22 “(9) Any party to the proceedings before the circuit court may take
23 an appeal from the circuit court to the Court of Appeals. If the circuit
24 court reverses an order of the board and denies the relief requested in
25 the petition, review by the Court of Appeals shall be de novo. In all
26 other cases, the review by the Court of Appeals shall be conducted in
27 accordance with ORS 183.500.

28 “(10) A person may file a petition for relief under this section no
29 more than once every five years.

30 “(11) The board shall adopt procedural rules to carry out the pro-

visions of this section.

“(12) As used in this section, ‘federal firearm disability’ means:

“(a) A commitment to a state mental hospital or a secure intensive community inpatient facility under ORS 161.365;

“(b) A determination that a person lacks fitness to proceed under ORS 161.370;

“(c) A finding that a person is guilty except for insanity of a crime under ORS 161.295 or responsible except for insanity of an act under ORS 419C.411; or

“(d) A determination that a person is mentally ill under ORS 426.130 or mentally retarded under ORS 427.290.

“SECTION 6. ORS 166.274 is amended to read:

“166.274. (1) A person barred from possessing a firearm under ORS 166.250 (1)(c)(A)[] or (B)[(D) or (E)] or barred from purchasing a firearm under ORS 166.470 (1)(a) to (d) or (g) may file a petition for relief from the bar in:

“(a) A justice court in the petitioner’s county of residence that is reasonably accessible to the petitioner; or

“(b) If no justice court is reasonably accessible, the circuit court.

“(2) A person may apply once per calendar year for relief under the provisions of this section.

“(3)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

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

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

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

“(4)(a) When a petition is denied, the judge shall cause that information to be entered into the Department of State Police computerized criminal

1 history files.

2 “(b) When a petition is granted, the judge shall cause that information
3 and a fingerprint card of the petitioner to be entered into the Department
4 of State Police computerized criminal history files. If, after a petition is
5 granted, the petitioner is arrested and convicted of a crime that would dis-
6 qualify the petitioner from purchasing or possessing a firearm, the Depart-
7 ment of State Police shall notify the court that granted relief under this
8 section. The court shall review the order granting relief and determine
9 whether to rescind the order. The Department of State Police may charge a
10 reasonable fee, under ORS 192.440, for the entry and maintenance of infor-
11 mation under this section.

12 “(5) Notwithstanding the provisions of ORS 9.320, a corporation, the state
13 or any city, county, district or other political subdivision or public corpo-
14 ration in this state, without appearance by attorney, may appear as a party
15 to an action under this section.

16 “(6) If the petitioner seeks relief from the bar on possessing or purchasing
17 a firearm, relief shall be granted when the petitioner demonstrates, by clear
18 and convincing evidence, that the petitioner does not pose a threat to the
19 safety of the public or the petitioner.

20 “(7) A person barred from possessing or purchasing a firearm because the
21 person, while a minor, was found to be within the jurisdiction of the juvenile
22 court for committing an act which, if committed by an adult, would have
23 constituted a felony or a misdemeanor involving violence, is not eligible to
24 petition for relief under this section until more than four years have passed
25 since the person was discharged from the jurisdiction of the juvenile court.

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

1 “(9) Filing fees shall be as for any civil action filed in the court.

2 “(10)(a) Initial appeals of petitions shall be heard de novo.

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

5 “(c) If the governmental entity files an appeal under this subsection and
6 does not prevail, it shall be ordered to pay the attorney fees for the pre-
7 vailing party.

8 **“SECTION 7.** ORS 166.274, as amended by section 6 of this 2009 Act, is
9 amended to read:

10 “166.274. (1) A person barred from possessing a firearm under ORS 166.250
11 (1)(c)(A), [or] (B), **(D) or (E)** or barred from purchasing a firearm under ORS
12 166.470 [(1)(a) to (d) or (g)] may file a petition for relief from the bar in:

13 “(a) A justice court in the petitioner’s county of residence that is rea-
14 sonably accessible to the petitioner; or

15 “(b) If no justice court is reasonably accessible, the circuit court.

16 “(2) A person may apply once per calendar year for relief under the pro-
17 visions of this section.

18 “(3)(a) A person petitioning for relief under this section shall serve a copy
19 of the petition on:

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

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

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

25 “(4)(a) When a petition is denied, the judge shall cause that information
26 to be entered into the Department of State Police computerized criminal
27 history files.

28 “(b) When a petition is granted, the judge shall cause that information
29 and a fingerprint card of the petitioner to be entered into the Department
30 of State Police computerized criminal history files. If, after a petition is

1 granted, the petitioner is arrested and convicted of a crime that would dis-
2 qualify the petitioner from purchasing or possessing a firearm, the Depart-
3 ment of State Police shall notify the court that granted relief under this
4 section. The court shall review the order granting relief and determine
5 whether to rescind the order. The Department of State Police may charge a
6 reasonable fee, under ORS 192.440, for the entry and maintenance of infor-
7 mation under this section.

8 “(5) Notwithstanding the provisions of ORS 9.320, a corporation, the state
9 or any city, county, district or other political subdivision or public corpo-
10 ration in this state, without appearance by attorney, may appear as a party
11 to an action under this section.

12 “(6) If the petitioner seeks relief from the bar on possessing or purchasing
13 a firearm, relief shall be granted when the petitioner demonstrates, by clear
14 and convincing evidence, that the petitioner does not pose a threat to the
15 safety of the public or the petitioner.

16 “(7) A person barred from possessing or purchasing a firearm because the
17 person, while a minor, was found to be within the jurisdiction of the juvenile
18 court for committing an act which, if committed by an adult, would have
19 constituted a felony or a misdemeanor involving violence, is not eligible to
20 petition for relief under this section until more than four years have passed
21 since the person was discharged from the jurisdiction of the juvenile court.

22 “(8) Petitions filed under this section shall be heard and disposed of
23 within 15 judicial days of filing or as soon as is practicable thereafter, but
24 not more than 30 days thereafter. The judge shall then make findings and
25 conclusions and issue a judgment based on the findings and conclusions in
26 accordance with the requirements of law.

27 “(9) Filing fees shall be as for any civil action filed in the court.

28 “(10)(a) Initial appeals of petitions shall be heard de novo.

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

1 “(c) If the governmental entity files an appeal under this subsection and
2 does not prevail, it shall be ordered to pay the attorney fees for the pre-
3 vailing party.

4 **“SECTION 8. (1) Section 1 of this 2009 Act applies to records and**
5 **information in the possession of the Department of Human Services,**
6 **the Psychiatric Security Review Board or the Judicial Department on**
7 **or after the effective date of this 2009 Act, irrespective of when the**
8 **records or information was created.**

9 **“(2)(a) When the Department of Human Services determines that**
10 **the department has received a sufficient legislative appropriation or**
11 **federal funding to carry out the provisions of section 1 of this 2009 Act,**
12 **the department shall adopt a rule so indicating. The department shall**
13 **notify Legislative Counsel when the rule is adopted.**

14 **“(b) When the Chief Justice of the Supreme Court determines that**
15 **the Judicial Department has received a sufficient legislative appropri-**
16 **ation or federal funding to carry out the provisions of section 1 of this**
17 **2009 Act, the Chief Justice shall issue an order so indicating. The Chief**
18 **Justice shall notify Legislative Counsel when the order is issued.**

19 **“(c) When the Psychiatric Security Review Board determines that**
20 **the board has received a sufficient legislative appropriation or federal**
21 **funding to carry out the provisions of section 1 of this 2009 Act, the**
22 **board shall adopt a rule so indicating. The board shall notify Legisla-**
23 **tive Counsel when the rule is adopted.**

24 **“(3)(a) The Department of Human Services need not comply with**
25 **section 1 of this 2009 Act or the amendments to ORS 166.412 by section**
26 **4 of this 2009 Act until the rule described in subsection (2)(a) of this**
27 **section is adopted.**

28 **“(b) The Judicial Department need not comply with section 1 of this**
29 **2009 Act until the Chief Justice issues the order described in subsection**
30 **(2)(b) of this section.**

1 “(c) The Psychiatric Security Review Board need not comply with
2 section 1 of this 2009 Act until the rule described in subsection (2)(c)
3 of this section is adopted.

4 “(4)(a) When the Chief Justice of the Supreme Court determines
5 that the Judicial Department has received a sufficient legislative ap-
6 propriation or federal funding to carry out the provisions of the
7 amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009
8 Act, the Chief Justice shall issue an order so indicating. The Chief
9 Justice shall notify Legislative Counsel when the order is issued.

10 “(b) The amendments to ORS 426.160 and 427.293 by sections 2 and
11 3 of this 2009 Act become operative on the date the order described in
12 paragraph (a) of this subsection is issued.

13 “SECTION 9. (1)(a) When the Psychiatric Security Review Board
14 determines that the board has received a sufficient legislative appro-
15 priation or federal funding to carry out the provisions of section 5 of
16 this 2009 Act, the board shall adopt a rule so indicating. The board
17 shall notify Legislative Counsel upon adoption of the rule.

18 “(b) Section 5 of this 2009 Act and the amendments to ORS 166.274
19 by section 6 of this 2009 Act become operative on the date the rule
20 described in paragraph (a) of this subsection is adopted.

21 “SECTION 10. (1) Sections 5 and 9 of this 2009 Act are repealed on
22 January 2, 2012.

23 “(2) The amendments to ORS 166.274 by section 7 of this 2009 Act
24 become operative on January 2, 2012.”.