

Senate Bill 115

Sponsored by Senator THATCHER; Representatives KRIEGER, POST, STARK, WILSON, WITT (Presession filed.)

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**.

Removes six-month county residence requirement for legal resident applicant for concealed handgun license. Authorizes county sheriff to waive residency requirement for concealed handgun license if applicant resides in another state.

Provides that license holders may renew license electronically or by mail. Provides that if sheriff waives residence requirement for license applicant, sheriff shall consider application as renewal if person has valid license issued in another county.

A BILL FOR AN ACT

1
2 Relating to concealed handgun licenses; amending ORS 166.291, 166.293 and 166.295.

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

4 **SECTION 1.** ORS 166.291, as amended by section 1, chapter 62, Oregon Laws 2014, is amended
5 to read:

6 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
7 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
8 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

15 (c) Is a resident of the county;

16 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

28 (D) Completion of any law enforcement firearms safety or training course or class offered for
29 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-

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 cers if handgun safety was a component of the course;

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

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

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

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

11 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
12 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
13 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

33 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
34 107.700 to 107.735 or 163.738;

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

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

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

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

42 (a) The application must state the applicant's legal name, current address and telephone number,
43 date and place of birth, hair and eye color and height and weight. The application must also list the
44 applicant's residence address or addresses for the previous three years. The application must contain
45 a statement by the applicant that the applicant meets the requirements of subsection (1) of this

1 section. The application may include the Social Security number of the applicant if the applicant
 2 voluntarily provides this number. The application must be signed by the applicant.

3 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 4 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 5 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 6 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 7 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 8 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 9 check and may not keep any record of the fingerprints. The Department of State Police shall report
 10 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 11 Police shall also furnish the sheriff with any information about the applicant that the Department
 12 of State Police may have in its possession including, but not limited to, manual or computerized
 13 criminal offender information.

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

16
 17
 18 APPLICATION FOR LICENSE TO CARRY
 19 CONCEALED HANDGUN

20 Date _____

21 I hereby declare as follows:

22 I am a citizen of the United States, or a legal resident alien who [*can document continuous res-*
 23 *idency in the county for at least six months and have*] **has** declared in writing to the United States
 24 Citizenship and Immigration Services my intention to become a citizen and can present proof of the
 25 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 26 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 27 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 28 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 29 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 30 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 31 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 32 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 33 volving controlled substances or completed a court-supervised drug diversion program. There are
 34 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 35 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
 36 person with mental illness and presently subject to an order prohibiting me from purchasing or
 37 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I
 38 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or
 39 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records
 40 expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS
 41 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed
 42 Forces of the United States. I am not required to register as a sex offender in any state. I under-
 43 stand I will be fingerprinted and photographed.

44
 45 Legal name _____

1 Age _____ Date of birth _____

2 Place of birth _____

3 Social Security number _____

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

6

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

10 1. _____

11 2. _____

12

13 Height _____ Weight _____

14 Hair color _____ Eye color _____

15

16 Current address _____

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

17

18 City _____ County _____ Zip _____

19 Phone _____

20

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

23

(Signature of Applicant)

24

25 Character references.

26

27 _____

28

29 Name Address

30

31 _____

32

33 Name Address

34

35 Approved _____ Disapproved _____ by _____

36

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

38

39 Date _____ Fee Paid _____

40

41 License No. _____

42

43 _____

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

46

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

48

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

50

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

52

53 (b) The sheriff may enter into an agreement with the Department of Transportation to produce

1 the concealed handgun license.

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

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

9 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
10 for a resident of [*a contiguous state who has a compelling business interest or other legitimate dem-*
11 *onstrated need*] **another state**.

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

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

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

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

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

22 (10) As used in this section, "drug diversion program" means a program in which a defendant
23 charged with a marijuana possession offense completes a program under court supervision and in
24 which the marijuana possession offense is dismissed upon successful completion of the diversion
25 program.

26 **SECTION 2.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section
27 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,
28 Oregon Laws 2013, section 7, chapter 591, Oregon Laws 2013, and section 2, chapter 62, Oregon
29 Laws 2014, is amended to read:

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

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

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

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

39 (c) Is a resident of the county;

40 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

19 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
20 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
21 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

41 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
42 107.700 to 107.735 or 163.738;

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

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

45 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or

1 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
 2 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

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

10 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 11 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 12 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 13 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 14 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 15 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 16 check and may not keep any record of the fingerprints. The Department of State Police shall report
 17 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 18 Police shall also furnish the sheriff with any information about the applicant that the Department
 19 of State Police may have in its possession including, but not limited to, manual or computerized
 20 criminal offender information.

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

23
 24
 25 APPLICATION FOR LICENSE TO CARRY
 26 CONCEALED HANDGUN

27 Date _____

28 I hereby declare as follows:

29 I am a citizen of the United States, or a legal resident alien who [*can document continuous res-*
 30 *idency in the county for at least six months and have*] **has** declared in writing to the United States
 31 Citizenship and Immigration Services my intention to become a citizen and can present proof of the
 32 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 33 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 34 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 35 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 36 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 37 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 38 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 39 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 40 volving controlled substances or completed a court-supervised drug diversion program. There are
 41 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 42 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
 43 person with mental illness and presently subject to an order prohibiting me from purchasing or
 44 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I
 45 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or

1 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued
2 under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never
3 received a dishonorable discharge from the Armed Forces of the United States. I am not required
4 to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

5
6 Legal name _____
7 Age _____ Date of birth _____
8 Place of birth _____
9 Social Security number _____

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

12
13 Proof of identification (Two pieces of current identification are required, one of which must bear a
14 photograph of the applicant. The type of identification and the number on the identification are to
15 be filled in by the sheriff.):

- 16 1. _____
17 2. _____

18
19 Height _____ Weight _____
20 Hair color _____ Eye color _____

21
22 Current address _____

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

23
24
25
26 City _____ County _____ Zip _____
27 Phone _____

28
29 I have read the entire text of this application, and the statements therein are correct and true.
30 (Making false statements on this application is a misdemeanor.)

31 _____
32 (Signature of Applicant)

33
34 Character references.

35 _____
36 Name: Address

37 _____
38 Name: Address

39
40 Approved _____ Disapproved _____ by _____

41
42 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

43 Date _____ Fee Paid _____

44 License No. _____
45 _____

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(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]* **another state**.

(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 voter notification card issued to the person under ORS 247.181 showing a residence address in the county;

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

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

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

SECTION 3. ORS 166.293 is amended to read:

166.293. (1) If the application for the concealed handgun license is denied, the sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted delivery, within 45 days after the application was made. If no decision is issued within 45 days, the person may seek review under the procedures in subsection (5) of this section.

(2) Notwithstanding ORS 166.291 (1), and subject to review as provided in subsection (5) of this section, a sheriff may deny a concealed handgun license if the sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant’s mental or psychological state or as demonstrated by the applicant’s past pattern of behavior involving unlawful violence or threats of unlawful violence.

(3)(a) Any act or condition that would prevent the issuance of a concealed handgun license is cause for revoking a concealed handgun license.

(b) A sheriff may revoke a concealed handgun license by serving upon the licensee a notice of

1 revocation. The notice must contain the grounds for the revocation and must be served either per-
 2 sonally or by certified mail, restricted delivery. The notice and return of service shall be included
 3 in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

4 (4) Any peace officer or corrections officer may seize a concealed handgun license and return
 5 it to the issuing sheriff if the license is held by a person who has been arrested or cited for a crime
 6 that can or would otherwise disqualify the person from being issued a concealed handgun license.
 7 The issuing sheriff shall hold the license for 30 days. If the person is not charged with a crime
 8 within the 30 days, the sheriff shall return the license unless the sheriff revokes the license as
 9 provided in subsection (3) of this section.

10 (5) A person denied a concealed handgun license or whose license is revoked or not renewed
 11 under ORS 166.291 to 166.295 may petition the circuit court [*in the petitioner's county of residence*]
 12 to review the denial, nonrenewal or revocation. The petition must be filed **in the county in which**
 13 **the application is denied or in which the license is not renewed or revoked, no later than**
 14 [*within*] 30 days after the receipt of the notice of denial, **nonrenewal** or revocation.

15 (6) The judgment affirming or overturning the sheriff's decision shall be based on whether the
 16 petitioner meets the criteria that are used for issuance of a concealed handgun license and, if the
 17 petitioner was denied a concealed handgun license, whether the sheriff has reasonable grounds for
 18 denial under subsection (2) of this section. Whenever the petitioner has been previously sentenced
 19 for a crime under ORS 161.610 or for a crime of violence for which the person could have received
 20 a sentence of more than 10 years, the court shall grant relief only if the court finds that relief
 21 should be granted in the interest of justice.

22 (7) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,
 23 district or other political subdivision or public corporation in this state, without appearance by at-
 24 torney, may appear as a party to an action under this section.

25 (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of
 26 filing or as soon as practicable thereafter.

27 (9) Filing fees for actions shall be as for any civil action filed in the court. If the petitioner
 28 prevails, the amount of the filing fee shall be paid by the respondent to the petitioner and may be
 29 incorporated into the court order.

30 (10) Initial appeals of petitions shall be heard de novo.

31 (11) Any party to a judgment under this section may appeal to the Court of Appeals in the same
 32 manner as for any other civil action.

33 (12) If the governmental entity files an appeal under this section and does not prevail, it shall
 34 be ordered to pay the attorney fees for the prevailing party.

35 **SECTION 4.** ORS 166.295 is amended to read:

36 166.295. (1)(a) A concealed handgun license is renewable by repeating the procedures set out in
 37 ORS 166.291 and 166.292, except for the requirement to submit fingerprints and provide character
 38 references. A licensee may submit the application for renewal **electronically or** by mail. [*if the*
 39 *licensee:*]

40 [(A) *Is an active member of the Armed Forces of the United States, the National Guard of the*
 41 *United States or the Oregon National Guard; and*]

42 [(B) *Submits with the application proof of the licensee's military orders and a copy of the licensee's*
 43 *military identification.*]

44 (b) **A licensee who renews a concealed handgun license under paragraph (a) of this sub-**
 45 **section may submit a photograph to the sheriff electronically or by mail in accordance with**

1 **specifications established by the sheriff.**

2 (2) An otherwise expired concealed handgun license continues to be valid for up to 45 days after
3 the licensee applies for renewal if:

4 [(A)] (a) The licensee applies for renewal before the original license expires;

5 [(B)] (b) The licensee has proof of the application for renewal; and

6 [(C)] (c) The application for renewal has not been denied.

7 [(2)] (3) If a licensee changes residence, the licensee shall report the change of address and the
8 sheriff shall issue a new license as a duplication for a change of address. The license shall expire
9 upon the same date as would the original.

10 (4) **If a sheriff waives the residency requirement for a person applying for a concealed**
11 **handgun license as described in ORS 166.291 (8), the sheriff shall consider the application as**
12 **a renewal of a concealed handgun license under this section if the person has a valid con-**
13 **cealed handgun license issued in another county.**

14