

Senate Bill 636

Sponsored by Senators KNOPP, BOQUIST, Representatives BUEHLER, WHISNANT, MCLANE; Senators BAERTSCHIGER JR, GIROD, HANSELL, KRUSE, OLSEN, THATCHER, THOMSEN, WHITSETT, Representatives BARRETO, BENTZ, ESQUIVEL, HACK, HAYDEN, HUFFMAN, KRIEGER, NEARMAN, PARRISH, POST, SMITH, SPRENGER, WEIDNER, WHITSETT, WILSON

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**.

Reduces required age for concealed handgun license applicant to 18 years of age if applicant is servicemember.

A BILL FOR AN ACT

Relating to concealed handgun licenses for servicemembers; amending ORS 166.291.

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

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

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

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

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

(b) Is at least 21 years of age **or, if the person is a servicemember, at least 18 years of age;**

(c) Is a resident of the county;

(d) Has no outstanding warrants for arrest;

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

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

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

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

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

(D) Completion of any law enforcement firearms safety or training course or class offered for 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 declared in writing to the United States Cit-
 24 izenship 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 **or I**
 26 **am a servicemember and am at least 18 years of age.** I have been discharged from the jurisdic-
 27 tion of the juvenile court for more than four years if, while a minor, I was found to be within the
 28 jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would
 29 constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never
 30 been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the
 31 State of Oregon or elsewhere. I have not, within the last four years, been convicted of a
 32 misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as
 33 provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled sub-
 34 stances or completed a court-supervised drug diversion program. There are no outstanding warrants
 35 for my arrest and I am not free on any form of pretrial release. I have not been committed to the
 36 Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental ill-
 37 ness and presently subject to an order prohibiting me from purchasing or possessing a firearm be-
 38 cause of mental illness. If any of the previous conditions do apply to me, I have been granted relief
 39 or wish to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter
 40 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to
 41 a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or
 42 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States.
 43 I am not required to register as a sex offender in any state. I understand I will be fingerprinted and
 44 photographed.

1 Legal name _____
2 Age _____ Date of birth _____
3 Place of birth _____
4 Social Security number _____

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

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

11 1. _____
12 2. _____

13
14 Height _____ Weight _____
15 Hair color _____ Eye color _____

16
17 Current address _____

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

18
19
20
21 City _____ County _____ Zip _____
22 Phone _____

23
24 I have read the entire text of this application, and the statements therein are correct and true.
25 (Making false statements on this application is a misdemeanor.)

26 _____
27 (Signature of Applicant)

28
29 Character references.

30 _____	
31 Name	31 Address
32 _____	
33 Name	33 Address

34
35 Approved _____ Disapproved _____ by _____

36
37 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

38 Date _____ Fee Paid _____

39 License No. _____
40 _____

- 41
42 (5)(a) Fees for concealed handgun licenses are:
- 43 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - 44 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - 45 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

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

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

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

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

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

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

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

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

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

23 (10) As used in this section[,]:

24 (a) "Drug diversion program" means a program in which a defendant charged with a marijuana
25 possession offense completes a program under court supervision and in which the marijuana pos-
26 session offense is dismissed upon successful completion of the diversion program.

27 (b) "Servicemember" has the meaning given that term in ORS 135.881.

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

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

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

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

40 (b) Is at least 21 years of age **or, if the person is a servicemember, at least 18 years of**
41 **age;**

42 (c) Is a resident of the county;

43 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

22 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
23 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
24 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

44 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
45 107.700 to 107.735 or 163.738;

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

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

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

(3) Before the sheriff may issue a license:

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

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

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

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age **or I am a servicemember and am at least 18 years of age**. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the

Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental illness and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

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

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

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

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____

Current address _____

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

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 _____

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

2 Date _____ Fee Paid _____

3 License No. _____

4

5

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

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

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

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

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

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

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

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

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

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

(b) Is registered to vote in the county and has a 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[,]:

(a) "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.

(b) "Servicemember" has the meaning given that term in ORS 135.881.

37