

House Bill 2617

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements for and disqualifications from obtaining concealed handgun license. Increases portion of fee for issuance or renewal of license from \$50 to \$85.

Increases length of time that concealed handgun license is valid.

A BILL FOR AN ACT

1
2 Relating to concealed handgun licenses; creating new provisions; and amending ORS 166.291 and
3 166.292.

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

5 **SECTION 1.** ORS 166.291 is amended 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
11 six months and has declared in writing to the United States Citizenship and Immigration Services
12 the intent to acquire citizenship status and can present proof of the written declaration to the
13 sheriff 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-
30 cers if handgun safety was a component of the course;

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 (E) Presents evidence of equivalent experience with a [*handgun*] **firearm** through participation
 2 in organized shooting competition or military service;

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

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

8 (g) Has never been convicted of a felony or found guilty[,] except for insanity, under ORS
 9 161.295 **or an equivalent law in another state**, of a felony;

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

14 (i) Has not been committed to the Oregon Health Authority under ORS 426.130 **or committed**
 15 **to a mental health facility under a similar law in another state**;

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

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

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

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

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

34 **(m) Is not prohibited from possessing a firearm under ORS 166.255;**

35 [*m*] **(n) Is not subject to a citation issued under ORS 163.735 or an order described in ORS**
 36 **24.190 or issued under ORS 30.866, 107.700 to 107.735, 124.005 to 124.040, [*or*] 163.738[;], 163.760 to**
 37 **163.777 or 419B.845;**

38 [*n*] **(o) Has not received a dishonorable discharge from the Armed Forces of the United States;**

39 [*o*] **(p) Is not required to register as a sex offender in any state; and**

40 [*p*] **(q) Is not presently subject to an order under ORS 426.133 prohibiting the person from**
 41 **purchasing or possessing a firearm.**

42 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
 43 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
 44 other jurisdictions is not subject to the disabilities in subsection (1)(g) to [*L*] **(q)** of this section.

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

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

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

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

21
 22 APPLICATION FOR LICENSE TO CARRY
 23 CONCEALED HANDGUN

24 Date _____

25 I hereby declare as follows:

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

1 *disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records*
2 *expunged.] I am not prohibited from possessing a firearm under ORS 166.255.* I am not subject
3 to a citation issued under ORS 163.735 or an order **described in ORS 24.190 or** issued under ORS
4 30.866, 107.700 to 107.735, **124.005 to 124.040, [or] 163.738[.], 163.760 to 163.777 or 419B.845.** I have
5 never received a dishonorable discharge from the Armed Forces of the United States. I am not re-
6 quired to register as a sex offender in any state. **If any of the previous conditions do apply to**
7 **me, I have been granted relief or wish to petition for relief from the disability under ORS**
8 **166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged.** I understand
9 I will be 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. Solicitation of the number is au-
16 thorized under ORS 166.291. It will be used only as a means of identification.)

17
18 Proof of identification (Two pieces of current identification are required, one of which must bear a
19 photograph of the applicant. The type of identification and the number on the identification are to
20 be filled in by the sheriff.):

- 21 1. _____
- 22 2. _____

23
24 Height _____ Weight _____
25 Hair color _____ Eye color _____

26
27 Current address _____

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

28
29
30
31 City _____ County _____ Zip _____
32 Phone _____

33
34 I have read the entire text of this application, and the statements therein are correct and true.
35 (Making false statements on this application is a misdemeanor.)

36 _____
37 (Signature of Applicant)

38
39 Character references.

40 _____
41 Name: Address
42 _____
43 Name: Address

44
45 Approved _____ Disapproved _____ by _____

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

2 Date _____ Fee Paid _____

3 License No. _____

4 _____

5

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

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

8 (B) [~~\$50~~] **\$85** to the sheriff for the issuance or renewal of a concealed handgun license.

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

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

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

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

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

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

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

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

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

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

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

36 **SECTION 2.** ORS 166.292 is amended to read:

37 166.292. (1) If the application for the license is approved, the sheriff shall issue and mail or
38 otherwise deliver to the applicant at the address shown on the application, within 45 days of the
39 application, a wallet sized license bearing the photograph of the licensee. The license must be signed
40 by the licensee and carried whenever the licensee carries a concealed handgun.

41 (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun li-
42 cense is prima facie evidence that the person does not have such a license.

43 (3) Licenses for concealed handguns shall be uniform throughout the state in substantially the
44 following form:

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OREGON CONCEALED HANDGUN
LICENSE

County_____ License Number_____

Expires_____ Date of birth_____

Height_____ Weight_____

Name_____ Address_____

Licensee’s City_____ Zip_____ Photograph

Signature_____

Issued by_____

Date of issue_____

(4) An Oregon concealed handgun license issued under ORS 166.291 and this section, unless re-
voked under ORS 166.293, is valid for a period of *[four]* **five** years from the date on which it is is-
sued.

(5) The sheriff shall keep a record of each license issued under ORS 166.291 and this section,
or renewed pursuant to ORS 166.295.

(6) When a sheriff issues a concealed handgun license under this section, the sheriff shall pro-
vide the licensee with a list of those places where carrying concealed handguns is prohibited or
restricted by state or federal law.

**SECTION 3. The amendments to ORS 166.291 and 166.292 by sections 1 and 2 of this 2017
Act apply to applications for concealed handgun licenses submitted on or after the effective
date of this 2017 Act.**
