

Requested by Representative ZIKA

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 554**

1 On page 1 of the printed A-engrossed bill, after line 3, insert:

2 “Whereas on December 11, 2012, 54-year-old Cindy Ann Yuille and
3 45-year-old Steven Forsyth were shot and killed in the Clackamas Town
4 Center with a stolen AR-15 style assault weapon; and

5 “Whereas the assault rifle used to kill Cindy Ann Yuille and Steven
6 Forsyth had been stolen after being left unsecured with a fully loaded 30
7 round ammunition magazine by its lawful owner; and

8 “Whereas the lawful owner of the assault rifle failed to report the weapon
9 stolen to any law enforcement agency upon discovering the theft of the
10 weapon; and

11 “Whereas the lawful owner of the weapon used in the Clackamas Town
12 Center shooting had no legal obligation under Oregon law to safely secure
13 the firearm or to report the theft of the weapon; and

14 “Whereas on average 10 children under the age of 18 commit suicide in
15 Oregon each year with firearms that were not safely stored and secured to
16 prevent child access; and

17 “Whereas Oregon has a per capita suicide rate above the national aver-
18 age; and

19 “Whereas the percentage of suicides that are firearm suicides in Oregon
20 is also above the national average; and

21 “Whereas a proven barrier to the impulse to commit suicide is securing

1 firearms with a lock or storing firearms in locked containers; and

2 “Whereas there are a number of children who are injured in Oregon each
3 year with firearms that were not safely stored and secured to prevent child
4 access; and

5 “Whereas the lack of a safe storage law in Oregon contributed to more
6 than 22,000 firearms being lost or stolen in Oregon over the past 10 years;
7 and

8 “Whereas two-thirds of all school shootings in the United States from
9 1974 through 2000 involved weapons taken by the attackers from their home
10 or from the home of a relative, and many of these shootings would have been
11 prevented if the firearms used had been secured and safely stored; and

12 “Whereas simple common-sense actions including safely storing and
13 transferring firearms, promptly reporting to law enforcement officials the
14 loss or theft of firearms and supervising children when they use firearms
15 would prevent many deaths and injuries in Oregon; and

16 “Whereas the Cindy Yuille and Steve Forsyth Act can be effective in
17 significantly reducing gun violence and suicide in Oregon without imposing
18 criminal penalties; and

19 “Whereas everyone has the right to be free from gun violence; now,
20 therefore.”

21 Delete lines 5 through 19 and delete pages 2 through 9 and insert:

22

23 “FIREARM STORAGE AND TRANSFER

24

“(Definitions)

25

26 “**SECTION 1. Sections 2 to 6 of this 2021 Act shall be known and
27 may be cited as the Cindy Yuille and Steve Forsyth Act.**

28 “**SECTION 2. As used in sections 2 to 6 of this 2021 Act:**

29 “(1) ‘Authorized person’ means a person authorized by the owner
30 or possessor of a firearm to temporarily carry or control the firearm

1 while in the presence of the owner or possessor.

2 “(2) ‘Container’ means a box, case, chest, locker, safe or other
3 similar receptacle, including, within a vehicle, a glove compartment,
4 enclosed trunk or center console, equipped with a tamper-resistant
5 lock.

6 “(3) ‘Control’ means, in relation to a firearm:

7 “(a) That the owner or possessor of the firearm is close enough to
8 the firearm to prevent another person who is not an authorized person
9 from obtaining the firearm; or

10 “(b) That the owner or possessor of the firearm is in the person’s
11 own residence, either alone or with only authorized persons who also
12 live in the residence and who are not minors, and the residence is se-
13 cure.

14 “(4) ‘Firearm’ has the meaning given that term in ORS 166.210, ex-
15 cept that it does not include a firearm that has been rendered perma-
16 nently inoperable.

17 “(5) ‘Handgun’ has the meaning given that term in ORS 166.210.

18 “(6) ‘Law enforcement agency’ has the meaning given that term in
19 ORS 166.525.

20 “(7) ‘Minor’ means a person under 18 years of age.

21 “(8) ‘Possessor’ means a person who possesses a firearm with per-
22 mission from the owner of the firearm for a period of time when the
23 owner is not present.

24 “(9) ‘Trigger or cable lock’ means:

25 “(a) A device that, when installed in a firearm, is designed to pre-
26 vent the firearm from being operated without first deactivating the
27 device; or

28 “(b) A device incorporated into the design of the firearm that is
29 designed to prevent the operation of the firearm by any person not
30 having access to the device.

1 “(Storage)
2

3 **“SECTION 3. (1)(a) An owner or possessor of a firearm shall, at all
4 times that the firearm is not carried by or under the control of the
5 owner, possessor or authorized person, secure the firearm:**

6 **“(A) With an engaged trigger or cable lock; or**

7 **“(B) In a locked container.**

8 **“(b) For purposes of paragraph (a) of this subsection, a firearm is
9 not secured if:**

10 **“(A) A key or combination to the trigger or cable lock or the con-
11 tainer is readily available to a person the owner or possessor has not
12 authorized to carry or control the firearm.**

13 **“(B) The firearm is a handgun, is left unattended in a vehicle and
14 is within view of persons outside the vehicle.**

15 **“(2)(a) A violation of subsection (1) of this section is a Class C vio-
16 lation.**

17 **“(b) Notwithstanding paragraph (a) of this subsection, a violation
18 of subsection (1) of this section is a Class A violation if a minor ob-
19 tains an unsecured firearm as a result of the violation and the owner
20 or possessor of the firearm knew or should have known that a minor
21 could gain unauthorized access to the unsecured firearm.**

22 **“(c) Each firearm owned or possessed in violation of subsection (1)
23 of this section constitutes a separate violation.**

24 **“(3) If a firearm obtained as a result of an owner or possessor of a
25 firearm violating of subsection (1) of this section is used to injure a
26 person or property within two years of the violation, in an action
27 against the owner or possessor to recover damages for the injury, the
28 violation constitutes per se negligence, and the presumption of
29 negligence may not be overcome by a showing that the owner or
30 possessor acted reasonably.**

1 **“(4) Subsection (3) of this section does not apply if:**
2 **“(a) The injury results from a lawful act of self-defense or defense**
3 **of another person; or**
4 **“(b) The unsecured firearm was obtained by a person as a result of**
5 **the person entering or remaining unlawfully in a dwelling, as those**
6 **terms are defined in ORS 164.205.**
7 **“(5) This section does not apply to a police officer as defined in ORS**
8 **181A.355, with respect to a particular firearm, if storage of the firearm**
9 **is covered by a policy of the law enforcement agency employing the**
10 **police officer and the firearm is stored in compliance with the policy.**
11
12 **“(Transfers)**
13
14 **“SECTION 4. (1) If a person transfers a firearm and a criminal**
15 **background check under ORS 166.435 is required prior to the transfer,**
16 **the person shall transfer the firearm:**
17 **“(a) With an engaged trigger or cable lock; or**
18 **“(b) In a locked container.**
19 **“(2)(a) A violation of subsection (1) of this section is a Class C vio-**
20 **lation.**
21 **“(b) Each firearm transferred in violation of subsection (1) of this**
22 **section constitutes a separate violation.**
23 **“(3) If a firearm transferred in a manner that violates subsection**
24 **(1) of this section is used to injure a person or property within two**
25 **years of the violation, in an action against the transferor to recover**
26 **damages for the injury, the violation of subsection (1) of this section**
27 **constitutes per se negligence, and the presumption of negligence may**
28 **not be overcome by a showing that the transferor acted reasonably.**
29 **“(4) Subsection (3) of this section does not apply if the injury results**
30 **from a lawful act of self-defense or defense of another person.**

1 “(5) This section does not apply to:

2 “(a) The transfer of a firearm made inoperable for the specific
3 purpose of being used as a prop in the making of a motion picture or
4 a television, digital or similar production.

5 “(b) A transfer that occurs when a firearm is taken from the owner
6 or possessor of the firearm by force.

7

8 “(Loss or Theft Reporting)

9

10 “SECTION 5. (1)(a) A person who owns, possesses or controls a
11 firearm shall report the loss or theft of the firearm to a law enforce-
12 ment agency in the jurisdiction in which the loss or theft occurred as
13 soon as practicable but not later than within 72 hours of the time the
14 person knew or reasonably should have known of the loss or theft.

15 “(b) If a means of reporting a loss or theft of a firearm within 72
16 hours is not reasonably available, the person who owned, possessed or
17 controlled the firearm that was lost or stolen must report the loss or
18 theft within 24 hours of the means of reporting becoming available.

19 “(c) A person may include the serial number of the firearm in a
20 report under this subsection.

21 “(2)(a) A violation of subsection (1) of this section is a Class B vio-
22 lation.

23 “(b) Each firearm for which a person does not make the report
24 within the time required by subsection (1) of this section constitutes
25 a separate violation.

26 “(c) A person who knowingly provides false information in a report
27 required by subsection (1) of this section commits the crime of initi-
28 ating a false report under ORS 162.375.

29 “(3) If a lost or stolen firearm is used to injure a person or property
30 and the person who owned, possessed or controlled the firearm at the

1 time of the loss or theft did not report the loss or theft as required
2 by subsection (1) of this section, in an action against the person who
3 owned, possessed or controlled the firearm at the time of the loss or
4 theft to recover damages for the injury, the violation constitutes
5 negligence per se for two years from the expiration of the time limit
6 for reporting or until the loss or theft report is made, whichever oc-
7 curs sooner. The presumption of negligence may not be overcome by
8 a showing that the person acted reasonably.

9 “(4) Subsection (3) of this section does not apply if the injury results
10 from a lawful act of self-defense or defense of another person.

11 “(5)(a) Within 24 hours of receiving a report under subsection (1)
12 of this section, a law enforcement agency shall create a record con-
13 cerning the lost or stolen firearm in the Law Enforcement Data Sys-
14 tem or another electronic database as determined by the Department
15 of State Police.

16 “(b) A law enforcement agency is exempt from the obligation de-
17 scribed in paragraph (a) of this subsection if the agency is unable to
18 create a record concerning the lost or stolen firearm in the electronic
19 database due to insufficient information.

20 “(c) The department may adopt rules to carry out the provisions
21 of this subsection.

22

23 “(Supervision of Minor)

24

25 **“SECTION 6. (1) Except as provided in subsections (3) and (4) of this**
26 **section, a person who delivers or otherwise transfers a firearm to a**
27 **minor shall directly supervise the minor’s use of the firearm.**

28 “(2)(a) If a person delivers or otherwise transfers a firearm to a
29 minor and fails to directly supervise the minor’s use of the firearm
30 as required by subsection (1) of this section, in an action against the

1 person to recover damages for injury to a person or property caused
2 by the minor's use of the firearm, the failure to supervise constitutes
3 negligence per se, and the presumption of negligence may not be
4 overcome by a showing that the person acted reasonably.

5 “(b) Paragraph (a) of this subsection does not apply if the injury
6 results from a lawful act of self-defense or defense of another person.

7 “(3) A person who delivers or otherwise transfers a firearm to a
8 minor may delegate to another person, with the consent of the other
9 person and the minor's parent or guardian, the duty to supervise the
10 minor's use of the firearm. If the duty to supervise is delegated under
11 this subsection, subsection (2) of this section applies to the person
12 assuming the duty to supervise.

13 “(4)(a) This section does not apply, with respect to a particular
14 firearm other than a handgun, if:

15 “(A) The firearm is transferred to a minor in accordance with ORS
16 166.470, and, as a result of the transfer, the minor is the owner of the
17 firearm; or

18 “(B) The firearm is temporarily transferred to a minor by the
19 minor's parent or guardian or by another person with the consent of
20 the minor's parent or guardian, for the purpose of hunting in accord-
21 ance with ORS 497.360, hunting of a predatory animal as defined in
22 ORS 610.002 or target shooting at a shooting range, shooting gallery
23 or other area designed for the purpose of target shooting.

24 “(b) The exception described in paragraph (a)(B) of this subsection
25 applies only during the time in which the minor is engaged in activ-
26 ities related to hunting or target shooting.

27

28

“(Gun Dealer Notice)

29

30 **“SECTION 7. A gun dealer shall post in a prominent location in the**

1 **gun dealer’s place of business a notice, in block letters not less than**
2 **one inch in height, that states, “The purchaser of a firearm has an**
3 **obligation to store firearms in a safe manner and to prevent unsuper-**
4 **vised access to a firearm by a minor. If a minor or unauthorized per-**
5 **son obtains access to a firearm and the owner failed to store the**
6 **firearm in a safe manner, the owner may be in violation of the law.’**

7
8 **“REGULATION OF FIREARMS IN PUBLIC BUILDINGS**

9
10 **“SECTION 8. (1) The governing board of a public university listed**
11 **in ORS 352.002, the governing board of a community college or a dis-**
12 **trict school board as defined in ORS 332.002 may adopt a policy pro-**
13 **viding that the affirmative defense described in ORS 166.370 (3)(g),**
14 **concerning persons licensed to carry a concealed handgun under ORS**
15 **166.291 and 166.292, does not apply to the possession of firearms within**
16 **school buildings controlled by the board.**

17 **“(2) A board that adopts a policy under this section shall:**

18 **“(a) Post a clearly visible sign, at all normal points of entry to the**
19 **school buildings subject to the policy described in subsection (1) of this**
20 **section, indicating that the affirmative defense described in ORS**
21 **166.370 (3)(g) does not apply.**

22 **“(b) Post a notice on the board’s website identifying all school**
23 **buildings subject to the policy described in subsection (1) of this sec-**
24 **tion.**

25 **“SECTION 9. ORS 166.360 is amended to read:**

26 **“166.360. As used in ORS 166.360 to 166.380, unless the context requires**
27 **otherwise:**

28 **“(1) ‘Capitol building’ means the Capitol, the State Office Building, the**
29 **State Library Building, the Labor and Industries Building, the State Trans-**
30 **portation Building, the Agriculture Building or the Public Service Building**

1 and includes any new buildings which may be constructed on the same
2 grounds as an addition to the group of buildings listed in this subsection.

3 “(2) ‘Court facility’ means a courthouse or that portion of any other
4 building occupied by a circuit court, the Court of Appeals, the Supreme
5 Court or the Oregon Tax Court or occupied by personnel related to the op-
6 erations of those courts, or in which activities related to the operations of
7 those courts take place.

8 “(3) ‘Judge’ means a judge of a circuit court, the Court of Appeals, the
9 Supreme Court, the Oregon Tax Court, a municipal court, a probate court
10 or a juvenile court or a justice of the peace.

11 “(4) ‘Judicial district’ means a circuit court district established under
12 ORS 3.012 or a justice of the peace district established under ORS 51.020.

13 “(5) ‘Juvenile court’ has the meaning given that term in ORS 419A.004.

14 “(6) ‘Loaded firearm’ means:

15 “(a) A breech-loading firearm in which there is an unexpended cartridge
16 or shell in or attached to the firearm including but not limited to, in a
17 chamber, magazine or clip which is attached to the firearm.

18 “(b) A muzzle-loading firearm which is capped or primed and has a powder
19 charge and ball, shot or projectile in the barrel or cylinder.

20 “(7) ‘Local court facility’ means the portion of a building in which a
21 justice court, a municipal court, a probate court or a juvenile court conducts
22 business, during the hours in which the court operates.

23 “(8) ‘Probate court’ has the meaning given that term in ORS 111.005.

24 “(9) ‘Public building’ means:

25 “(a) A hospital, a capitol building, a public or private school, as defined
26 in ORS 339.315, a college or university, a city hall or the residence of any
27 state official elected by the state at large, and the grounds adjacent to each
28 such building. The term also includes that portion of any other building oc-
29 cupied by an agency of the state or [*a municipal corporation, as defined*] **by**
30 **a city, a county, a district as defined in ORS 198.010 or any other entity**

1 **that falls within the definition of ‘municipal corporation’ in ORS**
2 **297.405, other than a court facility[.]; or**

3 **“(b) The passenger terminal of a commercial service airport with**
4 **over 1 million passenger boardings per year.**

5 “(10) ‘Weapon’ means:

6 “(a) A firearm;

7 “(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar
8 instrument or a knife, other than an ordinary pocketknife with a blade less
9 than four inches in length, the use of which could inflict injury upon a
10 person or property;

11 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-
12 fined in ORS 163.211;

13 “(d) An electrical stun gun or any similar instrument;

14 “(e) A tear gas weapon as defined in ORS 163.211;

15 “(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku,
16 nightstick, truncheon or any similar instrument, the use of which could in-
17 flict injury upon a person or property; or

18 “(g) A dangerous or deadly weapon as those terms are defined in ORS
19 161.015.

20 **“SECTION 10.** ORS 166.370 is amended to read:

21 “166.370. (1)(a) Any person who intentionally possesses a loaded or un-
22 loaded firearm or any other instrument used as a dangerous weapon, while
23 in or on a public building, shall upon conviction be guilty of a Class C fel-
24 ony.

25 **“(b) Notwithstanding paragraph (a) of this subsection, in a prose-**
26 **cution under this section for the possession of a firearm within the**
27 **Capitol or within school buildings subject to a policy described in sec-**
28 **tion 8 of this 2021 Act, if the person proves by a preponderance of the**
29 **evidence that, at the time of the possession, the person was licensed**
30 **under ORS 166.291 and 166.292 to carry a concealed handgun, upon**

1 **conviction the person is guilty of a Class A misdemeanor.**

2 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection,
3 a person who intentionally possesses:

4 “(A) A firearm in a court facility is guilty, upon conviction, of a Class
5 C felony. A person who intentionally possesses a firearm in a court facility
6 shall surrender the firearm to a law enforcement officer.

7 “(B) A weapon, other than a firearm, in a court facility may be required
8 to surrender the weapon to a law enforcement officer or to immediately re-
9 move it from the court facility. A person who fails to comply with this sub-
10 paragraph is guilty, upon conviction, of a Class C felony.

11 “(C) A firearm in a local court facility is guilty, upon conviction, of a
12 Class C felony if, prior to the offense, the presiding judge of the local court
13 facility entered an order prohibiting firearms in the area in which the court
14 conducts business and during the hours in which the court operates.

15 “(b) The presiding judge of a judicial district or a municipal court may
16 enter an order permitting the possession of specified weapons in a court fa-
17 cility.

18 “(c) Within a shared court facility, the presiding judge of a municipal
19 court or justice of the peace district may not enter an order concerning the
20 possession of weapons in the court facility that is in conflict with an order
21 entered by the presiding judge of the circuit court.

22 “(3) Subsection (1)(a) of this section does not apply to:

23 “(a) A police officer or reserve officer, as those terms are defined in ORS
24 181A.355.

25 “(b) A parole and probation officer, as defined in ORS 181A.355, while the
26 parole and probation officer is acting within the scope of employment.

27 “(c) A federal officer, as defined in ORS 133.005, or a certified reserve
28 officer or corrections officer, as those terms are defined in ORS 181A.355,
29 while the federal officer, certified reserve officer or corrections officer is
30 acting within the scope of employment.

1 “(d) A person summoned by an officer described in paragraph (a), (b) or
2 (c) of this subsection to assist in making an arrest or preserving the peace,
3 while the summoned person is engaged in assisting the officer.

4 “(e) An honorably retired law enforcement officer.

5 “(f) An active or reserve member of the military forces of this state or the
6 United States, when engaged in the performance of duty.

7 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
8 concealed handgun, **except as provided in subsection (1)(b) of this sec-**
9 **tion.**

10 “(h) A person who is authorized by the officer or agency that controls the
11 public building to possess a firearm or dangerous weapon in that public
12 building.

13 “(i) An employee of the United States Department of Agriculture, acting
14 within the scope of employment, who possesses a firearm in the course of the
15 lawful taking of wildlife.

16 “(j) Possession of a firearm on school property if the firearm:

17 “(A) Is possessed by a person who is not otherwise prohibited from pos-
18 sessed the firearm; and

19 “(B) Is unloaded and locked in a motor vehicle.

20 “(4)(a) **Except as provided in subsection (1)(b) of this section,** the
21 exceptions listed in subsection (3)(d) to (j) of this section constitute affir-
22 mative defenses to a charge of violating subsection (1)(a) of this section.

23 “(b) A person may not use the affirmative defense described in subsection
24 (3)(e) of this section if the person has been convicted of an offense that
25 would make the person ineligible to obtain a concealed handgun license un-
26 der ORS 166.291 and 166.292.

27 “(5)(a) Any person who knowingly, or with reckless disregard for the
28 safety of another, discharges or attempts to discharge a firearm at a place
29 that the person knows is a school shall upon conviction be guilty of a Class
30 C felony.

1 “(b) Paragraph (a) of this subsection does not apply to the discharge of
2 a firearm:

3 “(A) As part of a program approved by a school in the school by an in-
4 dividual who is participating in the program;

5 “(B) By a law enforcement officer acting in the officer’s official capacity;
6 or

7 “(C) By an employee of the United States Department of Agriculture,
8 acting within the scope of employment, in the course of the lawful taking
9 of wildlife.

10 “(6) Any weapon carried in violation of this section is subject to the
11 forfeiture provisions of ORS 166.279.

12 “(7) Notwithstanding the fact that a person’s conduct in a single criminal
13 episode constitutes a violation of both subsections (1) and (5) of this section,
14 the district attorney may charge the person with only one of the offenses.

15 “(8) As used in this section, ‘dangerous weapon’ means a dangerous
16 weapon as that term is defined in ORS 161.015.

17 **“SECTION 11.** ORS 166.262 is amended to read:

18 “166.262. A peace officer may not arrest or charge a person for violating
19 ORS 166.250 (1)(a) or (b) or 166.370 (1)(a) if the person has in the person’s
20 immediate possession:

21 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
22 **166.292, unless the person possesses a firearm within the Capitol or**
23 **within school buildings subject to a policy described in section 8 of this**
24 **2021 Act;**

25 “(2) Proof that the person is a law enforcement officer; or

26 “(3) Proof that the person is an honorably retired law enforcement officer,
27 unless the person has been convicted of an offense that would make the
28 person ineligible to obtain a concealed handgun license under ORS 166.291
29 and 166.292.

30

1 **“CONCEALED HANDGUN LICENSE FEES**

2
3 **“SECTION 12.** ORS 166.291 is amended to read:

4 “166.291. (1) The sheriff of a county, upon a person’s application for an
5 Oregon concealed handgun license, upon receipt of the appropriate fees and
6 after compliance with the procedures set out in this section, shall issue the
7 person a concealed handgun license if the person:

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

9 “(B) Is a legal resident alien who can document continuous residency in
10 the county for at least six months and has declared in writing to the United
11 States Citizenship and Immigration Services the intent to acquire citizenship
12 status and can present proof of the written declaration to the sheriff at the
13 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 follow-
19 ing:

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

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

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

30 “(D) Completion of any law enforcement firearms safety or training

1 course or class offered for security guards, investigators, reserve law
2 enforcement officers or any other law enforcement officers if handgun safety
3 was a component of the course;

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

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

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

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

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

17 “(i) Has not been committed to the Oregon Health Authority under ORS
18 426.130;

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

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

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

30 “(A) The person can demonstrate that the person has been convicted only

1 once of a marijuana possession offense that constituted a misdemeanor or
2 violation under the law of the jurisdiction of the offense, and has not com-
3 pleted a drug diversion program for a marijuana possession offense that
4 constituted a misdemeanor or violation under the law of the jurisdiction of
5 the offense; or

6 “(B) The person can demonstrate that the person has only once completed
7 a drug diversion program for a marijuana possession offense that constituted
8 a misdemeanor or violation under the law of the jurisdiction of the offense,
9 and has not been convicted of a marijuana possession offense that consti-
10 tuted a misdemeanor or violation under the law of the jurisdiction of the
11 offense;

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

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

16 “(o) Is not required to register as a sex offender in any state; and

17 “(p) Is not presently subject to an order under ORS 426.133 prohibiting
18 the person from purchasing or possessing a firearm.

19 “(2) A person who has been granted relief under ORS 166.273, 166.274 or
20 166.293 or 18 U.S.C. 925(c) or has had the person’s record expunged under the
21 laws of this state or equivalent laws of other jurisdictions is not subject to
22 the disabilities in subsection (1)(g) to (L) of this section.

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

24 “(a) The application must state the applicant’s legal name, current ad-
25 dress and telephone number, date and place of birth, hair and eye color and
26 height and weight. The application must also list the applicant’s residence
27 address or addresses for the previous three years. The application must con-
28 tain a statement by the applicant that the applicant meets the requirements
29 of subsection (1) of this section. The application may include the Social Se-
30 curity number of the applicant if the applicant voluntarily provides this

1 number. The application must be signed by the applicant.

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

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

19 “ _____

20 APPLICATION FOR LICENSE TO CARRY
21 CONCEALED HANDGUN

22 Date_____

23 I hereby declare as follows:

24 I am a citizen of the United States or a legal resident alien who can
25 document continuous residency in the county for at least six months and
26 have declared in writing to the United States Citizenship and Immigration
27 Services my intention to become a citizen and can present proof of the
28 written declaration to the sheriff at the time of this application. I am at least
29 21 years of age. I have been discharged from the jurisdiction of the juvenile
30 court for more than four years if, while a minor, I was found to be within

1 the jurisdiction of the juvenile court for having committed an act that, if
2 committed by an adult, would constitute a felony or a misdemeanor involving
3 violence, as defined in ORS 166.470. I have never been convicted of a felony
4 or found guilty, except for insanity under ORS 161.295, of a felony in the
5 State of Oregon or elsewhere. I have not, within the last four years, been
6 convicted of a misdemeanor or found guilty, except for insanity under ORS
7 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
8 not been convicted of an offense involving controlled substances or com-
9 pleted a court-supervised drug diversion program. There are no outstanding
10 warrants for my arrest and I am not free on any form of pretrial release. I
11 have not been committed to the Oregon Health Authority under ORS 426.130,
12 nor have I been found to be a person with mental illness and presently sub-
13 ject to an order prohibiting me from purchasing or possessing a firearm be-
14 cause of mental illness. I am not under a court order to participate in
15 assisted outpatient treatment that includes an order prohibiting me from
16 purchasing or possessing a firearm. If any of the previous conditions do apply
17 to me, I have been granted relief or wish to petition for relief from the dis-
18 ability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had
19 the records expunged. I am not subject to a citation issued under ORS
20 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I
21 have never received a dishonorable discharge from the Armed Forces of the
22 United States. I am not required to register as a sex offender in any state.
23 I understand I will be fingerprinted and photographed.

24

25 Legal name _____

26 Age _____ Date of birth _____

27 Place of birth _____

28 Social Security number _____

29 (Disclosure of your Social Security account number is voluntary. Solicita-
30 tion of the number is authorized under ORS 166.291. It will be used only as

1 a means of identification.)

2

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

6 1. _____

7 2. _____

8

9 Height _____ Weight _____

10 Hair color _____ Eye color _____

11

12 Current address _____

13

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

14

15

16 City _____ County _____ Zip _____

17 Phone _____

18

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

22

23

(Signature of Applicant)

24

25 Character references.

26

27

Name: Address

28

29

Name: Address

30

1 Approved _____ Disapproved _____ by _____

2

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

4 Date _____ Fee Paid _____

5 License No. _____

6 “ _____

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

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

10 “(B) [~~\$50~~] **\$100** to the sheriff for the **initial** issuance [*or renewal*] of a
11 concealed handgun license.

12 “(C) **\$75 to the sheriff for the renewal of a concealed handgun li-**
13 **cense.**

14 “[~~C~~] (D) \$15 to the sheriff for the duplication of a license because of loss
15 or change of address.

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

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

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

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

30 “(9) For purposes of subsection (1)(c) of this section, a person is a resident

1 of a county if the person:

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

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

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

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

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

15 **“SECTION 13. The amendments to ORS 166.291 by section 12 of this**
16 **2021 Act apply to applications for new concealed handgun licenses and**
17 **requests for license renewal submitted on or after the effective date**
18 **of this 2021 Act.**

19

20

“CAPTIONS

21

22 **“SECTION 14. The unit captions used in this 2021 Act are provided**
23 **only for the convenience of the reader and do not become part of the**
24 **statutory law of this state or express any legislative intent in the**
25 **enactment of this 2021 Act.**

26

27

“EFFECTIVE DATE

28

29 **“SECTION 15. This 2021 Act takes effect on the 91st day after the**
30 **date on which the 2021 regular session of the Eighty-first Legislative**

1 **Assembly adjourns sine die.”**

2 _____