

# House Bill 3542

Sponsored by Representative HIEB, Senator SMITH DB, Representatives LEVY B, MORGAN; Representatives DIEHL, GOODWIN, MCINTIRE, OSBORNE, SCHARF, WRIGHT, Senators BOQUIST, FINDLEY, GIROD, HANSELL, HAYDEN, LINTHICUM, THATCHER, WEBER

## 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**.

Provides that person is automatically qualified to obtain permit to purchase firearm if person holds valid concealed handgun license.

## A BILL FOR AN ACT

1  
2 Relating to firearm purchase permits; amending section 4, chapter 1, Oregon Laws 2023.

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

4 **SECTION 1.** Section 4, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
5 to read:

6 **Sec. 4.** (1)(a) A person may apply for a [*permit-to-purchase*] **permit to purchase** a firearm or  
7 firearms under this section to the police chief or county sheriff with jurisdiction over the residence  
8 of the person making the application, or their designees, hereinafter referred to as “permit **agent**.”  
9 [*agent*].]

10 (b) A person is qualified to be issued a permit-to-purchase under this section if the person:

11 (A)(i) Is not prohibited from purchasing or acquiring a firearm under state or federal law, in-  
12 cluding but not limited to successfully completing a criminal background check as described [*under*  
13 *paragraph (e) of this subsection*] **in subsection (2) of this section;**

14 [*(B)*] (ii) Is not the subject of an order described in ORS 166.525 to 166.543;

15 [*(C)*] (iii) Does not present reasonable grounds for a permit agent to conclude that the applicant  
16 has been or is reasonably likely to be a danger to self or others, or to the community at large, as  
17 a result of the applicant's mental or psychological state or as demonstrated by the applicant's past  
18 pattern of behavior involving unlawful violence or threats of unlawful violence;

19 [*(D)*] (iv) Provides proof of completion of a firearm safety course as defined in subsection (8) of  
20 this section; and

21 [*(E)*] (v) Pays the fee described in [*paragraph (b) of*] subsection (3)(b) of this section[.]; **or**

22 **(B) Holds a valid concealed handgun license issued under ORS 166.291 and 166.292.**

23 (c) An application for a permit under this section must state the applicant's legal name, current  
24 address and telephone number, date and place of birth, physical description[,] and any additional  
25 information determined necessary by Department of State Police rules. The application must be  
26 signed by the applicant in front of the permit agent.

27 (d) The permit agent shall verify the applicant's identity with a government-issued form of  
28 identification bearing a photograph of the applicant.

29 [*(e)*] (2)(a) [*The*] **An applicant other than a person described in subsection (1)(b)(B) of this**  
30 **section** must submit to fingerprinting and photographing by the permit agent. The permit agent

**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 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to de-  
2 termine whether the applicant meets the qualifications described in [paragraph (b)] **subsection**  
3 **(1)(b)(A)** of this section. The permit agent shall request the department to conduct a criminal  
4 background check, including but not limited to a fingerprint identification, through the Federal Bu-  
5 reau of Investigation. The **permit agent shall ensure that the** Federal Bureau of Investigation  
6 [shall return] **returns** the fingerprint cards used to conduct the criminal background check and  
7 [may] **does** not keep any record of the fingerprints. Upon completion of the criminal background  
8 check and determination of whether the permit applicant is qualified or disqualified from purchasing  
9 or otherwise acquiring a firearm, the department shall report the results, including the outcome of  
10 the fingerprint-based criminal background check, to the permit agent.

11 [(2)(a)] **(b)** If during the background check, the department determines that:

12 (A) A purchaser is prohibited from possessing a firearm under ORS 166.250 (1)(c), the department  
13 shall report the attempted application for a permit, the purchaser's name and any other personally  
14 identifiable information to all federal, state and local law enforcement agencies and district attor-  
15 neys that have jurisdiction over the location or locations where the attempted application for a  
16 permit was made and where the permit applicant resides.[;]

17 (B) Based on the judgment of conviction, the permit applicant is prohibited from possessing a  
18 firearm as a condition of probation or that the permit applicant is currently on post-prison super-  
19 vision or parole, the department shall report the attempted application for a permit to the permit  
20 applicant's supervising officer and the district attorney of the county in which the conviction oc-  
21 curred.

22 (C) The permit applicant is prohibited from possessing a firearm due to a court order described  
23 in ORS 166.255 (1)(a), the department shall report the attempted application for a permit to the court  
24 that issued the order.

25 (D) The permit applicant is under the jurisdiction of the Psychiatric Security Review Board, the  
26 department shall report the attempted application for a permit to the board.

27 [(b)] **(c)** Reports required by [paragraphs (A) to (D) of subsection (2)(a)] **paragraph (b)(A) to (D)**  
28 **of this subsection** shall be made within 24 hours after the determination is made, unless a report  
29 would compromise an ongoing investigation, in which case the report may be delayed as long as  
30 necessary to avoid compromising the investigation.

31 [(c)] **(d)** On or before January 31 of each year, beginning in 2024, the department shall annually  
32 publish a report indicating for each county the number of applications made to any permit agent,  
33 the number of permits-to-purchase issued and the number of permits-to-purchase denied and the  
34 reasons for denial. The department may, by rule, include any additional information that it deter-  
35 mines would be helpful to ensuring the permit-to-purchase process is being administered in a con-  
36 sistent and equitable manner.

37 (3)(a) Within 30 days of receiving an application for a permit under this section, if the permit  
38 agent has verified the applicant's identity and determined that the applicant has met [each of] the  
39 qualifications described in [paragraph] **subsection (1)(b)** of this section, the permit agent shall issue  
40 the permit-to-purchase.

41 (b) The permit agent may charge a reasonable fee reflecting the actual cost of the process but  
42 shall not exceed \$65, including the cost of fingerprinting, photographing and obtaining a criminal  
43 background check. **The department shall charge a reduced fee for persons who do not require**  
44 **fingerprinting or a criminal background check due to holding a valid concealed handgun li-**  
45 **cence.**

1 (4)(a) The department shall develop:

2 (A) A standardized application form for a permit under this section; and

3 (B) A form in quadruplicate for use by permit agents in issuing permits under this section.

4 (b) The issuing permit agent shall maintain a copy of each permit issued under this section.

5 (c) The person named in a permit shall:

6 (A) Maintain a copy of the permit as long as the permit is valid.

7 (B) Present a copy of the permit to the gun dealer or transferor of a firearm when required

8 under ORS 166.412, 166.435, 166.436 or 166.438.

9 (5)(a) The permit agent shall report the issuance of a permit under this section to the depart-

10 ment, and shall provide to the department a copy of the permit and any information necessary for

11 the department to maintain an electronic searchable database of all permits issued under this sec-

12 tion. A permit agent revoking a permit shall report the revocation to the department at the time

13 that notice of the revocation has been sent to the permit holder.

14 (b) The department shall maintain the electronic database described in paragraph (a) of this

15 subsection by ensuring that new permits are added to the database, renewed permits are assigned

16 a new expiration date[,] and expired or revoked permits are marked expired or revoked but retained

17 in the database.

18 (6)(a) A permit-to-purchase issued under this section does not create any right of the permit

19 holder to receive a firearm.

20 (b) A permit-to-purchase issued under this section is not a limit on the number of firearms the

21 permit holder may purchase or acquire during the time period when the permit is valid.

22 (7)(a) A permit-to-purchase issued under this section is valid for five years from the date of is-

23 suance, unless revoked.

24 (b) A person may renew an unexpired permit issued under this section by repeating the proce-

25 dures set forth in subsection (1) of this section, except:

26 (A) A full [*finger print*] **fingerprint** set does not need to be taken again if the original set has

27 been retained by the permit agent or is otherwise available, **or if the person was not finger-**

28 **printed at the time the original permit was issued due to holding a valid concealed handgun**

29 **license and the person continues to hold a valid concealed handgun license;** and

30 (B) The training course does not need to be completed, provided the course previously taken

31 fully complies with each of the requirements set forth in subsection [8] **(8)** of this section[.] **or the**

32 **person was not required to complete the training course at the time the original permit was**

33 **issued due to holding a valid concealed handgun license.**

34 (c) **A criminal background check is not required for a person who:**

35 **(A) Was qualified at the time the original permit was issued due to holding a valid con-**

36 **cealed handgun license; and**

37 **(B) Continues to hold a valid concealed handgun license.**

38 [(c)] **(d)** The permit agent may charge a reasonable fee for renewal of the permit, reflecting the

39 actual cost of the process but shall not exceed \$50, including the cost of obtaining a criminal

40 background check and photographing. **The department shall charge a reduced fee for persons**

41 **who do not require a criminal background check due to holding a valid concealed handgun**

42 **license.**

43 (8)(a) As used in this section, “proof of completion of a firearm safety course” means the fol-

44 lowing:

45 [(a)] **(A)** Proof of completion of any firearms training course or class available to the general

1 public that is offered by law enforcement, a community college, [or] a private or public institution  
 2 or **an** organization or firearms training school utilizing instructors certified by a law enforcement  
 3 agency[,] and that includes the components set forth in paragraph [(c)] **(b)** of this subsection; or

4 [(b)] **(B)** Proof of completion of any law enforcement firearms training course or class that is  
 5 offered for security guards, investigators, reserve law enforcement officers[,] or any other law  
 6 enforcement officers[,] and that includes the components set forth in paragraph [(c)] **(b)** of this sub-  
 7 section.[:]

8 [(c)] **(b)** A firearms training course or class required for issuance of a permit-to-purchase must  
 9 include:

10 (A) Review of federal and state laws in place at the time of the class and other safe practices  
 11 related to ownership, purchase, transfer, use and transportation of firearms;

12 (B) Review of federal and state safe storage laws in place at the time of the class and other safe  
 13 practices related to safe storage, including reporting lost and stolen guns;

14 (C) Prevention of abuse or misuse of firearms, including the impact of homicide and suicide on  
 15 families, communities and the country as a whole; and

16 (D) In-person demonstration of the applicant's ability to lock, load, unload, fire and store a  
 17 firearm before an instructor certified by a law enforcement agency. This requirement may be met  
 18 separately from the other course requirements in subparagraphs (A), (B) and (C) of **this** paragraph  
 19 [(c)], which may be completed in an [on-line] **online** course, provided the [on-line] **online** course has  
 20 been conducted by a trainer certified by law enforcement.

21 [(d)] **(c)** Proof of successful completion of a training course in order to meet the requirements  
 22 for a concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a per-  
 23 mit as a substitute for the requirements in paragraph [(c)] **(b)** of this subsection, provided the com-  
 24 pleted course included each of the components set forth in paragraph [(c)] **(b)** of this subsection.

25 (9) The department may adopt rules to carry out the provisions of this section.

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