

House Bill 2479

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Sheriffs' Association)

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**.

Increases fees payable to county sheriff for issuance, renewal or duplication of concealed handgun license. Authorizes sheriff to collect from license applicant fee charged by Federal Bureau of Investigation for nationwide fingerprint check.

A BILL FOR AN ACT

1
2 Relating to concealed handgun license fees; creating new provisions; and amending ORS 166.291.

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

4 **SECTION 1.** ORS 166.291 is amended to read:

5 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
6 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
7 out in this section, shall issue the 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 the county for at least
10 six months and has declared in writing to the United States Citizenship and Immigration Services
11 the intent to acquire citizenship status and can present proof of the written declaration to the
12 sheriff at the time of application for the license;

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

14 (c) Is a resident of the county;

15 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

30 (E) Presents evidence of equivalent experience with a handgun through participation in organ-

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 ized shooting competition or military service;

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

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

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

9 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
10 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
11 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

31 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
32 107.700 to 107.735 or 163.738;

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

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

35 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-
36 chasing or possessing a firearm.

37 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
38 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
39 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

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

1 voluntarily provides this number. The application must be signed by the applicant.

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

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

15 _____
16
17 APPLICATION FOR LICENSE TO CARRY
18 CONCEALED HANDGUN

19 Date _____

20 I hereby declare as follows:

21 I am a citizen of the United States or a legal resident alien who can document continuous res-
22 idency in the county for at least six months and have declared in writing to the United States Cit-
23 izenship and Immigration Services my intention to become a citizen and can present proof of the
24 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
25 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
26 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
27 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
28 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
29 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
30 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
31 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
32 volving controlled substances or completed a court-supervised drug diversion program. There are
33 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
34 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
35 person with mental illness and presently subject to an order prohibiting me from purchasing or
36 possessing a firearm because of mental illness. I am not under a court order to participate in as-
37 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a
38 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
39 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
40 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
41 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
42 from the Armed Forces of the United States. I am not required to register as a sex offender in any
43 state. I understand I will be fingerprinted and photographed.

44
45 Legal name _____

1 Age _____ Date of birth _____

2 Place of birth _____

3 Social Security number _____

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

6

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

10 1. _____

11 2. _____

12

13 Height _____ Weight _____

14 Hair color _____ Eye color _____

15

16 Current address _____

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

17

18

19

20 City _____ County _____ Zip _____

21 Phone _____

22

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

25

(Signature of Applicant)

26

27

28 Character references.

29

Name: Address

31

Name: Address

32

33 Approved _____ Disapproved _____ by _____

34

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

36 Date _____ Fee Paid _____

37 License No. _____

38

39

40

41 (5)(a) Fees for concealed handgun licenses are:
42 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
43 (B) [~~\$50~~] **\$65** to the sheriff for the issuance or renewal of a concealed handgun license.
44 (C) [~~\$15~~] **\$20** to the sheriff for the duplication of a license because of loss, [~~or~~] change of address
45 **or change of name.**

1 **(D) To the sheriff, an amount equal to the fee charged by the Federal Bureau of Inves-**
2 **tigation for conducting a nationwide fingerprint check of the applicant.**

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

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

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

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

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

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

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

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

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

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

29 **SECTION 2. The amendments to ORS 166.291 by section 1 of this 2019 Act apply to ap-**
30 **lications for new concealed handgun licenses and requests for license renewal or duplication**
31 **submitted on or after the effective date of this 2019 Act.**

32