

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4045

By COMMITTEE ON RULES

February 29

1 Delete lines 5 through 23 of the printed A-engrossed bill and insert:

2 **“SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 192.410 to**
3 **192.505.**

4 **“SECTION 2. (1) A public body may not disclose records or information that identifies a**
5 **person as a current or former holder of, or applicant for, a concealed handgun license, un-**
6 **less:**

7 **“(a) The disclosure is made to another public body and is necessary for criminal justice**
8 **purposes;**

9 **“(b) A court enters an order in a criminal or civil case directing the public body to dis-**
10 **close the records or information;**

11 **“(c) The holder of, or applicant for, the concealed handgun license consents to the dis-**
12 **closure in writing;**

13 **“(d) The public body determines that a compelling public interest requires disclosure in**
14 **the particular instance and the disclosure is limited to the name, age and county of residence**
15 **of the holder or applicant;**

16 **“(e)(A) The disclosure is limited to confirming or denying that a person convicted of a**
17 **person crime, or restrained by a protective order, is a current holder of a concealed handgun**
18 **license; and**

19 **“(B) The disclosure is made to a victim of the person crime or to a person who is pro-**
20 **TECTED by the protective order, in response to a request for disclosure that provides the**
21 **public body with the name and age of the person convicted of the person crime or restrained**
22 **by the protective order;**

23 **“(f)(A) The disclosure is limited to confirming or denying that a person convicted of a**
24 **crime involving the use or possession of a firearm is a current holder of a concealed handgun**
25 **license; and**

26 **“(B) The disclosure is made to a bona fide representative of the news media in response**
27 **to a request for disclosure that provides the name and age of the person convicted of the**
28 **crime involving the use or possession of a firearm; or**

29 **“(g) The disclosure is made by the Department of State Police and results from access**
30 **to the Law Enforcement Data System, or to other similar databases, that the department**
31 **provides to other public bodies.**

32 **“(2) A public body may not confirm or deny that a person described in subsection**
33 **(1)(e)(A) or (f)(A) of this section is a current holder of a concealed handgun license unless**
34 **the person seeking disclosure:**

35 **“(a) Under subsection (1)(e) of this section provides the public body with written proof**

1 that the person is a victim of the person crime or is protected by the protective order.

2 “(b) Under subsection (1)(f) of this section provides the public body with written proof
3 that the person is a bona fide representative of the news media.

4 “(3) Notwithstanding any other provision of law, a public body that receives a request for
5 disclosure under subsection (1)(e) or (f) of this section may conduct an investigation, in-
6 cluding a criminal records check, to determine whether a person described in subsection
7 (1)(e)(A) or (f)(A) of this section has been convicted of a person crime or a crime involving
8 the use or possession of a firearm or is restrained by a protective order.

9 “(4) The Attorney General shall adopt rules to carry out the provisions of this section.
10 The rules must include a description of:

11 “(a) The procedures for submitting the written request described in subsection (1)(d) of
12 this section; and

13 “(b) The materials an individual must provide to the public body to establish a compelling
14 public interest that supports the disclosure of the name, age and county of residence of the
15 holder or applicant.

16 “(5) The prohibition described in subsection (1) of this section does not apply to the Ju-
17 dicial Department.

18 “(6) As used in this section:

19 “(a) ‘Convicted’ does not include a conviction that has been reversed, vacated or set aside
20 or a conviction for which the person has been pardoned.

21 “(b) ‘Person crime’ means a person felony or person Class A misdemeanor, as those
22 terms are defined in the rules of the Oregon Criminal Justice Commission, or any other
23 crime constituting domestic violence, as defined in ORS 135.230.

24 “(c) ‘Protective order’ has the meaning given that term in ORS 135.886.

25 “(d) ‘Victim’ has the meaning given that term in ORS 131.007.

26 “**SECTION 3.** Section 2 of this 2012 Act applies to public records requests made:

27 “(1) Before the effective date of this 2012 Act, if the public body has not responded to the
28 request as of the effective date of this 2012 Act; and

29 “(2) On or after the effective date of this 2012 Act.

30 “**SECTION 4.** The amendments to section 2 of this 2012 Act by section 5 of this 2012 Act
31 become operative on January 1, 2013.

32 “**SECTION 5.** Section 2 of this 2012 Act is amended to read:

33 “**Sec. 2.** (1) A public body may not disclose records or information that identifies a person as
34 a current or former holder of, or applicant for, a concealed handgun license, unless:

35 “(a) The disclosure is made to another public body and is necessary for criminal justice pur-
36 poses;

37 “(b) A court enters an order in a criminal or civil case directing the public body to disclose the
38 records or information;

39 “(c) The holder of, or applicant for, the concealed handgun license consents to the disclosure in
40 writing;

41 “(d) The public body determines that a compelling public interest requires disclosure in the
42 particular instance and the disclosure is limited to the name, age and county of residence of the
43 holder or applicant;

44 “(e)(A) The disclosure is limited to confirming or denying that a person convicted of a person
45 crime, or restrained by a protective order, is a current holder of a concealed handgun license; and

1 “(B) The disclosure is made to a victim of the person crime or to a person who is protected by
2 the protective order, in response to a request for disclosure that provides the public body with the
3 name and age of the person convicted of the person crime or restrained by the protective order; **or**

4 “(f)(A) The disclosure is limited to confirming or denying that a person convicted of a crime
5 involving the use or possession of a firearm is a current holder of a concealed handgun license; and

6 “(B) The disclosure is made to a bona fide representative of the news media in response to a
7 request for disclosure that provides the name and age of the person convicted of the crime involving
8 the use or possession of a firearm.[: or]

9 “[g] *The disclosure is made by the Department of State Police and results from access to the Law*
10 *Enforcement Data System, or to other similar databases, that the department provides to other public*
11 *bodies.*]

12 “(2) A public body may not confirm or deny that a person described in subsection (1)(e)(A) or
13 (f)(A) of this section is a current holder of a concealed handgun license unless the person seeking
14 disclosure:

15 “(a) Under subsection (1)(e) of this section provides the public body with written proof that the
16 person is a victim of the person crime or is protected by the protective order.

17 “(b) Under subsection (1)(f) of this section provides the public body with written proof that the
18 person is a bona fide representative of the news media.

19 “(3) Notwithstanding any other provision of law, a public body that receives a request for dis-
20 closure under subsection (1)(e) or (f) of this section may conduct an investigation, including a crim-
21 inal records check, to determine whether a person described in subsection (1)(e)(A) or (f)(A) of this
22 section has been convicted of a person crime or a crime involving the use or possession of a firearm
23 or is restrained by a protective order.

24 “(4) The Attorney General shall adopt rules to carry out the provisions of this section. The rules
25 must include a description of:

26 “(a) The procedures for submitting the written request described in subsection (1)(d) of this
27 section; and

28 “(b) The materials an individual must provide to the public body to establish a compelling public
29 interest that supports the disclosure of the name, age and county of residence of the holder or ap-
30 plicant.

31 “(5) The prohibition described in subsection (1) of this section does not apply to the Judicial
32 Department.

33 “(6) As used in this section:

34 “(a) ‘Convicted’ does not include a conviction that has been reversed, vacated or set aside or a
35 conviction for which the person has been pardoned.

36 “(b) ‘Person crime’ means a person felony or person Class A misdemeanor, as those terms are
37 defined in the rules of the Oregon Criminal Justice Commission, or any other crime constituting
38 domestic violence, as defined in ORS 135.230.

39 “(c) ‘Protective order’ has the meaning given that term in ORS 135.886.

40 “(d) ‘Victim’ has the meaning given that term in ORS 131.007.

41 “**SECTION 6. This 2012 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
43 **on its passage.”.**