

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote: 7 - 1 - 0
Yeas: Berger, Edwards C., Gelser, Jenson, Nolan, Read, Roblan
Nays: Garrard
Exc.: 0
Prepared By: Jerry Watson, Administrator
Meeting Dates: 5/13, 5/27, 6/1, 6/2

WHAT THE MEASURE DOES: Allows state police to receive minimum information necessary from Psychiatric Security Review Board and Judicial Department, in conformity with federal requirements, to enable identification of persons: determined by a court to be mentally ill, mentally retarded, or to lack fitness; prohibited from purchasing or possessing firearms pursuant to a court order; found guilty of a crime but insane; found responsible for an act but insane; or committed pursuant to civil process based on a court's finding of "danger to self or others." Requires agreement as between agencies and rulemaking as appropriate. Creates process to request relief and specifies relief may be sought every two years. Defines "minimum information necessary."

ISSUES DISCUSSED:

- Measure needed in order for Oregon to comply with federal mandate
- Provisions of -5 amendment and need for further amendment: Concern that commitment language too broad/violative of subjects' privacy; concern regarding language that was inadvertently removed; need to further clarify relief process; and concern regarding effective dates contingent on funding
- Provisions of -8 amendment: Concern that the information collected may be too narrow to allow differentiation between persons who share the same name, gender, and date of birth

EFFECT OF COMMITTEE AMENDMENT: Replaces original measure.

BACKGROUND: House Bill 2853 takes its cue from provisions of the NICS Improvement Act (National Instant Criminal Background Check System) passed by Congress in 2007. The NICS Improvement Act amended the Brady Handgun Violence Prevention Act of 1993 to require the head of each federal agency in possession of records relating to persons for whom receipt of a firearm would violate federal or state law, to provide that information to the United States Attorney General for inclusion into the NICS database. (Federal agencies also have to make available to the Attorney General all records relevant to a determination that a person is disqualified from possessing or receiving a firearm and information about a change in such person's status if removal from NICS is appropriate.) House Bill 2853 represents a challenging balance, to enable the state to comply, or substantially comply, with the federal mandate, using the minimum information necessary.