

Joint Committee on Ways and Means

Carrier – House: Rep. Shields
Carrier – Senate: Sen. Walker

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 14 – 7 – 1

House

Yeas: Buckley, C. Edwards, D. Edwards, Galizio, Jenson, Kotek, Nathanson, Shields

Nays: Garrard, Gilman, Richardson, G. Smith

Exc:

Senate

Yeas: Bates, Carter, Monroe, Nelson, Verger, Walker

Nays: Girod, Johnson, Whitsett

Exc: Winters

Prepared By: Laurie Byerly, Legislative Fiscal Office

Meeting Date: June 23, 2009

WHAT THE MEASURE DOES: This bill requires the Department of Human Services (DHS), the Psychiatric Security Review Board (PSRB) and the Oregon Judicial Department (OJD) to provide information to the Oregon State Police to comply with federal firearms law, which requires states to identify certain persons prohibited from possessing firearms. These are 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.”

The bill also requires PSRB to receive petitions and conduct hearings for relief from persons subject to a firearms ban. Requires agreements between agencies and rulemaking as appropriate, defines “minimum information necessary”, and makes agency compliance with the bill contingent on funding and rulemaking.

ISSUES DISCUSSED:

- Oregon among minority of states that are not currently reporting this information
- Balance between second amendment rights and public safety
- Timing of possible federal funding and legislative authorization of expenditure limitation
- Potential loss of federal grant funds if Oregon doesn’t comply

EFFECT OF COMMITTEE AMENDMENT: Addresses conflicts with House Bill 2009 and Senate Bill 603. Clarifies that reporting requirements only begin when funding is secured and the relief program created.

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.