

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Without Recommendation as to Passage and Be Referred to the Committee on Rules
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	4/8, 4/28

WHAT THE MEASURE DOES: Expands prohibition on possessing and transferring a firearm to include a person found guilty, except for insanity of a misdemeanor. Requires Psychiatric Security Review Board and Judicial Department to provide State Police with access to specific records and information identifying persons who have been committed or who have been found guilty or guilty except insane of a crime. Creates procedure for requesting relief from prohibition on owning or possessing firearms.

ISSUES DISCUSSED:

- Proposed amendments
- Need for further amendments
- Sending the measure to the Rules Committee

EFFECT OF COMMITTEE AMENDMENT: No Amendment.

BACKGROUND: HB 2853 focuses on provisions of the NICS (National Instant Criminal Background Check System) Improvement Act passed by Congress in 2007 (see description of the Act below). It requires the Psychiatric Security Review Board and Judicial Department to provide the State Police with access to records and information identifying persons who have been committed to the Department of Human Services; are subject to a court order prohibiting them from possessing a firearm; have been determined to be mentally disabled under ORS 427.290; have been committed to a state hospital or secure treatment facility; have been found guilty, except for insanity; or have been placed under the jurisdiction of the Psychiatric Security Review Board.

The measure also modifies the process by which a person who is barred from owning a firearm under ORS 166.250, 166.470 or as a result of a finding that the person is mentally ill, may seek relief from the prohibition.

NICS Improvement Act of 2007: The Act amended the Brady Handgun Violence Prevention Act of 1993 to require the head of each federal agency that has 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. The 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.

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This summary has not been adopted or officially endorsed by action of the committee.