

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2645

STATUS: Original

SUBJECT: Requires Oregon State Police to destroy records relating to criminal background checks under certain circumstances.

GOVERNMENT UNIT AFFECTED: Oregon State Police

PREPARED BY: Tim Walker

REVIEWED BY: Doug Wilson

DATE: March 19, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES:		
Oregon State Police – Other Funds		
Personal Services	\$ 72,020	\$ 96,027
Services and Supplies	\$ 20,385	\$ 10,263
	<u>\$ 92,405</u>	<u>\$ 106,290</u>
POSITIONS / FTE:		
Public Service Rep. 3	1/.075	1/1.00

EFFECTIVE DATE: January 1, 2010

GOVERNOR’S BUDGET: This bill is not anticipated by the Governor’s recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill would require the Oregon State Police (OSP) to destroy records obtained during a criminal records check within 24 hours of approval for a qualified firearms purchase.

Under current law, OSP maintains certain records for five years. These records may include some or all of the following information; firearm dealer’s federal identification number and other identifying information; name, address, citizenship, race, and sex of the purchaser; and make, model, type, caliber and serial number of the firearm purchased. Upon completion of the criminal background check, a purchaser is approved, denied or receives a “pend” response which indicates that additional research is needed. This research may include contacting various courts, district attorneys and law enforcement agencies, both in and out of state. Depending upon the results of the research a purchaser may then be approved or denied. Currently, the results of this research are maintained by OSP for five years. This bill would require OSP to destroy all records when a purchaser is approved, but would allow OSP to continue to maintain records on all purchasers who are denied. If a purchaser, who has received a “pend” determination, purchases another firearm more than 24 hours after the initial review, then the research would need to be recreated.

In 2008 OSP performed approximately 163,000 firearms background checks, of these, 8,300 were “pending” and needed additional research. After research was completed, approximately 7,000 were approved. According to OSP, approximately 36% of the background checks are for individuals purchase a firearm on multiple occasions. This would mean that approximately 3,000 of the 8,300 “pending”

transactions would need to be re-researched. This additional workload would require one FTE. In addition, the current computer program would need to be programmed to automatically delete the appropriate records and this would cost approximately \$12,000.