

B-Engrossed
House Bill 2727

Ordered by the Senate June 8
Including House Amendments dated April 24 and Senate Amendments
dated June 8

Sponsored by Representatives THATCHER, BARKER; Representatives BENTZ, BOONE, BRUUN, CAMERON, CLEM, ESQUIVEL, FREEMAN, GARRARD, GELSER, GILLIAM, GILMAN, HANNA, HUFFMAN, JENSON, KENNEMER, KRIEGER, MATTHEWS, MAURER, OLSON, RICHARDSON, ROBLAN, SCHAUFLE, SMITH, J SMITH, SPRENGER, THOMPSON, WEIDNER, WHISNANT, WINGARD, WITT, Senators ATKINSON, BOQUIST, FERRIOLI, GEORGE, GIROD, JOHNSON, KRUSE, MORSE, NELSON, PROZANSKI, STARR, TELFER, VERGER, WHITSETT (at the request of Oregon Sheriff's In Action)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Exempts records and information that identify person as holder of or applicant for concealed handgun license from disclosure. Creates exceptions. **Creates procedure by which person may petition to receive copy of public record.** Requires application for concealed handgun license to include information relating to exceptions.

A BILL FOR AN ACT

1
2 Relating to records of concealed handgun licenses; creating new provisions; and amending ORS
3 166.291, 192.480 and 192.502.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 192.502 is amended to read:

6 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

7 (1) Communications within a public body or between public bodies of an advisory nature to the
8 extent that they cover other than purely factual materials and are preliminary to any final agency
9 determination of policy or action. This exemption shall not apply unless the public body shows that
10 in the particular instance the public interest in encouraging frank communication between officials
11 and employees of public bodies clearly outweighs the public interest in disclosure.

12 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
13 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
14 public interest by clear and convincing evidence requires disclosure in the particular instance. The
15 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
16 tute an unreasonable invasion of privacy.

17 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
18 telephone numbers contained in personnel records maintained by the public body that is the em-
19 ployer or the recipient of volunteer services. This exemption:

20 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
21 unteers who are elected officials, except that a judge or district attorney subject to election may
22 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
23 terms of ORS 192.445;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
2 shows by clear and convincing evidence that the public interest requires disclosure in a particular
3 instance;

4 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
5 fessional education association of which the substitute teacher may be a member; and

6 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

7 (4) Information submitted to a public body in confidence and not otherwise required by law to
8 be submitted, where such information should reasonably be considered confidential, the public body
9 has obliged itself in good faith not to disclose the information, and when the public interest would
10 suffer by the disclosure.

11 (5) Information or records of the Department of Corrections, including the State Board of Parole
12 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
13 a person in custody of the department or substantially prejudice or prevent the carrying out of the
14 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
15 terest in disclosure.

16 (6) Records, reports and other information received or compiled by the Director of the Depart-
17 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
18 otherwise required by law to be made public, to the extent that the interests of lending institutions,
19 their officers, employees and customers in preserving the confidentiality of such information out-
20 weighs the public interest in disclosure.

21 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

22 (8) Any public records or information the disclosure of which is prohibited by federal law or
23 regulations.

24 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
25 wise made confidential or privileged under Oregon law.

26 (b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information
27 compiled in a public record when:

28 (A) The basis for the claim of exemption is ORS 40.225;

29 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
30 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
31 to 192.505;

32 (C) The factual information was compiled by or at the direction of an attorney as part of an
33 investigation on behalf of the public body in response to information of possible wrongdoing by the
34 public body;

35 (D) The factual information was not compiled in preparation for litigation, arbitration or an
36 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
37 or against the public body; and

38 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
39 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
40 rection.

41 (10) Public records or information described in this section, furnished by the public body ori-
42 ginally compiling, preparing or receiving them to any other public officer or public body in con-
43 nection with performance of the duties of the recipient, if the considerations originally giving rise
44 to the confidential or exempt nature of the public records or information remain applicable.

45 (11) Records of the Energy Facility Siting Council concerning the review or approval of security

1 programs pursuant to ORS 469.530.

2 (12) Employee and retiree address, telephone number and other nonfinancial membership records
3 and employee financial records maintained by the Public Employees Retirement System pursuant to
4 ORS chapters 238 and 238A.

5 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
6 agents of the treasurer or the council relating to active or proposed publicly traded investments
7 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
8 liquidation of the investments. For the purposes of this subsection:

9 (a) The exemption does not apply to:

10 (A) Information in investment records solely related to the amount paid directly into an invest-
11 ment by, or returned from the investment directly to, the treasurer or council; or

12 (B) The identity of the entity to which the amount was paid directly or from which the amount
13 was received directly.

14 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
15 or liquidation of the investment has been concluded.

16 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
17 Oregon Growth Account Board or the agents of the treasurer, council or board relating to actual
18 or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a
19 private asset including but not limited to records regarding the solicitation, acquisition, deployment,
20 exchange or liquidation of the investments including but not limited to:

21 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
22 or to their respective investment vehicles.

23 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
24 ment vehicles.

25 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
26 vehicles.

27 (D) Records containing information regarding the portfolio positions in which an investment
28 fund, an asset ownership or their respective investment vehicles invest.

29 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
30 spective investment vehicles.

31 (F) Investment agreements and related documents.

32 (b) The exemption under this subsection does not apply to:

33 (A) The name, address and vintage year of each privately placed investment fund.

34 (B) The dollar amount of the commitment made to each privately placed investment fund since
35 inception of the fund.

36 (C) The dollar amount of cash contributions made to each privately placed investment fund since
37 inception of the fund.

38 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
39 Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the
40 treasurer, council or board from each privately placed investment fund.

41 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
42 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
43 Council, the Oregon Growth Account Board or the agents of the treasurer, council or board.

44 (F) The net internal rate of return of each privately placed investment fund since inception of
45 the fund.

1 (G) The investment multiple of each privately placed investment fund since inception of the fund.

2 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
3 basis to each privately placed investment fund.

4 (I) The dollar amount of cash profit received from each privately placed investment fund on a
5 fiscal year-end basis.

6 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
7 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
8 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

9 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
10 by ORS 98.352.

11 (17) The following records, communications and information submitted to the Oregon Economic
12 and Community Development Commission, the Economic and Community Development Department,
13 the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or
14 other ports, as defined in ORS 777.005, by applicants for investment funds, loans or services includ-
15 ing, but not limited to, those described in ORS 285A.224:

16 (a) Personal financial statements.

17 (b) Financial statements of applicants.

18 (c) Customer lists.

19 (d) Information of an applicant pertaining to litigation to which the applicant is a party if the
20 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
21 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
22 concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery
23 or deposition statutes to a party to litigation or potential litigation.

24 (e) Production, sales and cost data.

25 (f) Marketing strategy information that relates to applicant's plan to address specific markets
26 and applicant's strategy regarding specific competitors.

27 (18) Records, reports or returns submitted by private concerns or enterprises required by law
28 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
29 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
30 information is in a form which would permit identification of the individual concern or enterprise.
31 Nothing in this subsection shall limit the use which can be made of such information for regulatory
32 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
33 payer of the delinquency immediately by certified mail. However, in the event that the payment or
34 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
35 public body shall disclose, upon the request of any person, the following information:

36 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
37 payment or delivery of the taxes.

38 (b) The period for which the taxes are delinquent.

39 (c) The actual, or estimated, amount of the delinquency.

40 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
41 pointed counsel, and all information supplied to the court from whatever source for the purpose of
42 verifying the financial eligibility of a person pursuant to ORS 151.485.

43 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
44 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
45 ness Services, in any of the following circumstances:

1 (a) When necessary for insurers, self-insured employers and third party claim administrators to
2 process workers' compensation claims.

3 (b) When necessary for the director, other governmental agencies of this state or the United
4 States to carry out their duties, functions or powers.

5 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
6 to identify any worker who is the subject of a claim.

7 (d) When a worker or the worker's representative requests review of the worker's claim record.

8 (21) Sensitive business records or financial or commercial information of the Oregon Health and
9 Science University that is not customarily provided to business competitors.

10 (22) Records of Oregon Health and Science University regarding candidates for the position of
11 president of the university.

12 (23) The records of a library, including:

13 (a) Circulation records, showing use of specific library material by a named person;

14 (b) The name of a library patron together with the address or telephone number of the patron;
15 and

16 (c) The electronic mail address of a patron.

17 (24) The following records, communications and information obtained by the Housing and Com-
18 munity Services Department in connection with the department's monitoring or administration of
19 financial assistance or of housing or other developments:

20 (a) Personal and corporate financial statements and information, including tax returns.

21 (b) Credit reports.

22 (c) Project appraisals.

23 (d) Market studies and analyses.

24 (e) Articles of incorporation, partnership agreements and operating agreements.

25 (f) Commitment letters.

26 (g) Project pro forma statements.

27 (h) Project cost certifications and cost data.

28 (i) Audits.

29 (j) Project tenant correspondence.

30 (k) Personal information about a tenant.

31 (L) Housing assistance payments.

32 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
33 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
34 that is not otherwise required by law to be submitted.

35 (26) Sensitive business, commercial or financial information furnished to or developed by a
36 public body engaged in the business of providing electricity or electricity services, if the information
37 is directly related to a transaction described in ORS 261.348, or if the information is directly related
38 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
39 disclosure of the information would cause a competitive disadvantage for the public body or its re-
40 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
41 velopment or review of generally applicable rate schedules.

42 (27) Sensitive business, commercial or financial information furnished to or developed by the
43 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
44 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
45 and disclosure of the information would cause a competitive disadvantage for the Klamath

1 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
2 ment or review of generally applicable rate schedules.

3 (28) Personally identifiable information about customers of a municipal electric utility or a
4 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
5 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
6 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
7 lease personally identifiable information about a customer, and a public body providing water, sewer
8 or storm drain services may release the name, date of birth, driver license number, telephone num-
9 ber, electronic mail address or Social Security number of a customer, if the customer consents in
10 writing or electronically, if the disclosure is necessary for the utility, district or other public body
11 to render services to the customer, if the disclosure is required pursuant to a court order or if the
12 disclosure is otherwise required by federal or state law. The utility, district or other public body
13 may charge as appropriate for the costs of providing such information. The utility, district or other
14 public body may make customer records available to third party credit agencies on a regular basis
15 in connection with the establishment and management of customer accounts or in the event such
16 accounts are delinquent.

17 (29) A record of the street and number of an employee's address submitted to a special district
18 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

19 (30) Sensitive business records, capital development plans or financial or commercial information
20 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

21 (31) Documents, materials or other information submitted to the Director of the Department of
22 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
23 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
24 or subsidiaries under ORS 646A.250 to 646A.270, 697.005 to 697.095, 697.602 to 697.842, 705.137,
25 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 722, 723, 725 or 726, the Bank Act or the
26 Insurance Code when:

27 (a) The document, material or other information is received upon notice or with an under-
28 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
29 the document, material or other information; and

30 (b) The director has obligated the Department of Consumer and Business Services not to dis-
31 close the document, material or other information.

32 (32) A county elections security plan developed and filed under ORS 254.074.

33 (33) Information about review or approval of programs relating to the security of:

34 (a) Generation, storage or conveyance of:

35 (A) Electricity;

36 (B) Gas in liquefied or gaseous form;

37 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

38 (D) Petroleum products;

39 (E) Sewage; or

40 (F) Water.

41 (b) Telecommunication systems, including cellular, wireless or radio systems.

42 (c) Data transmissions by whatever means provided.

43 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
44 ignates the information as confidential by rule under ORS 1.002.

45 **(35) Records or information that identify a person as a holder of, or an applicant for, a**

1 **concealed handgun license issued under ORS 166.291 and 166.292. This exemption does not**
2 **apply if the party seeking disclosure:**

3 **(a) Requests records or information pursuant to a subpoena or court order; or**

4 **(b) Shows by clear and convincing evidence that the public interest requires disclosure**
5 **in the particular instance. In making this determination, the custodian shall consider any**
6 **information provided by an affected holder of, or applicant for, a concealed handgun license.**

7 **SECTION 2.** ORS 166.291 is amended to read:

8 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
9 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
10 out in this section, shall issue the person a concealed handgun license if the person:

11 (a)(A) Is a citizen of the United States; or

12 (B) Is a legal resident alien who can document continuous residency in the county for at least
13 six months and has declared in writing to the United States Citizenship and Immigration Services
14 the intent to acquire citizenship status and can present proof of the written declaration to the
15 sheriff at the time of application for the license;

16 (b) Is at least 21 years of age;

17 (c) Is a resident of the county;

18 (d) Has no outstanding warrants for arrest;

19 (e) Is not free on any form of pretrial release;

20 (f) Demonstrates competence with a handgun by any one of the following:

21 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
22 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
23 of the course;

24 (B) Completion of any National Rifle Association firearms safety or training course if handgun
25 safety was a component of the course;

26 (C) Completion of any firearms safety or training course or class available to the general public
27 offered by law enforcement, community college, or private or public institution or organization or
28 firearms training school utilizing instructors certified by the National Rifle Association or a law
29 enforcement agency if handgun safety was a component of the course;

30 (D) Completion of any law enforcement firearms safety or training course or class offered for
31 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
32 cers if handgun safety was a component of the course;

33 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
34 ized shooting competition or military service;

35 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
36 revoked; or

37 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
38 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
39 was a component of the course;

40 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
41 of a felony;

42 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
43 161.295, of a misdemeanor within the four years prior to the application;

44 (i) Has not been committed to the Department of Human Services under ORS 426.130;

45 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that

1 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

2 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
3 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
4 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
5 volving violence, as defined in ORS 166.470;

6 (L) Has not been convicted of an offense involving controlled substances or participated in a
7 court-supervised drug diversion program, except this disability does not operate to exclude a person
8 if:

9 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
10 a court-supervised drug diversion program under ORS 135.907; or

11 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
12 has not been convicted of violating ORS 475.864 (3);

13 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
14 107.700 to 107.735 or 163.738;

15 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

16 (o) Is not required to register as a sex offender in any state.

17 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
18 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
19 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

20 (3) Before the sheriff may issue a license:

21 (a) The application must state the applicant's legal name, current address and telephone number,
22 date and place of birth, hair and eye color and height and weight. The application must also list the
23 applicant's residence address or addresses for the previous three years. The application must contain
24 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
25 section. The application may include the Social Security number of the applicant if the applicant
26 voluntarily provides this number. The application must be signed by the applicant.

27 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
28 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
29 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
30 records check is necessary, the sheriff shall request the Department of State Police to conduct the
31 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
32 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
33 check and may not keep any record of the fingerprints. The Department of State Police shall report
34 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
35 Police shall also furnish the sheriff with any information about the applicant that the Department
36 of State Police may have in its possession from its central bureau of criminal identification includ-
37 ing, but not limited to, manual or computerized criminal offender information.

38 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
39 quest. The forms shall be uniform throughout the state in substantially the following form:

41
42 APPLICATION FOR LICENSE TO CARRY CONCEALED HANDGUN

43 Date _____

44 I hereby declare as follows:

45 I am a citizen of the United States or a legal resident alien who can document continuous res-

1 idency in the county for at least six months and have declared in writing to the United States Cit-
 2 izenship and Immigration Services my intention to become a citizen and can present proof of the
 3 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 4 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 5 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 6 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 7 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 8 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 9 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 10 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 11 volving controlled substances or completed a court-supervised drug diversion program. There are
 12 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 13 been committed to the Department of Human Services under ORS 426.130, nor have I been found
 14 mentally ill and presently subject to an order prohibiting me from purchasing or possessing a
 15 firearm because of mental illness. If any of the previous conditions do apply to me, I have been
 16 granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or 18
 17 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS
 18 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received
 19 a dishonorable discharge from the Armed Forces of the United States. I am not required to register
 20 as a sex offender in any state. I understand I will be fingerprinted and photographed.

21
 22 Legal name _____
 23 Age _____ Date of birth _____
 24 Place of birth _____
 25 Social Security number _____

26 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
 27 thorized under ORS 166.291. It will be used only as a means of identification.)

28
 29 Proof of identification (Two pieces of current identification are required, one of which must bear a
 30 photograph of the applicant. The type of identification and the number on the identification are to
 31 be filled in by the sheriff.):

- 32 1. _____
- 33 2. _____

34
 35 Height _____ Weight _____
 36 Hair color _____ Eye color _____

37
 38 Current address _____

(List residence addresses for the
 past three years on the back.)

39
 40
 41
 42 City _____ County _____ Zip _____
 43 Phone _____

44
 45 I have read the entire text of this application, and the statements therein are correct and true.

1 (Making false statements on this application is a misdemeanor.)

2 _____
3 (Signature of Applicant)
4

5 Character references.

	Name	Address

10 Approved _____ Disapproved _____ by _____

11
12
13 Competence with handgun demonstrated by _____ (to be filled in by sheriff) Date _____ Fee
14 Paid _____
15 License No. _____
16 _____
17

18 **(5) In addition to the requirements of subsection (4) of this section, the application shall**
19 **indicate that the application and concealed handgun license may be subject to public disclo-**
20 **sure under the provisions of ORS 192.410 to 192.505 and that the holder of, or applicant for,**
21 **a concealed handgun license may:**

22 **(a) Provide a public body with information relevant to the determination described in**
23 **ORS 192.502 (35)(b); and**

24 **(b) Request that the sheriff contact the holder or applicant if the sheriff receives a re-**
25 **quest for disclosure that affects the holder or applicant.**

26 [(5)(a)] **(6)(a)** Fees for concealed handgun licenses are:

27 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

28 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

29 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

30 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
31 the concealed handgun license.

32 [(6)] **(7)** No civil or criminal liability shall attach to the sheriff or any authorized representative
33 engaged in the receipt and review of, or an investigation connected with, any application for, or in
34 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the
35 lawful performance of duties under those sections.

36 [(7)] **(8)** Immediately upon acceptance of an application for a concealed handgun license, the
37 sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the
38 person is an applicant for a concealed handgun license or is a license holder.

39 [(8)] **(9)** The county sheriff may waive the residency requirement in subsection (1)(c) of this
40 section for a resident of a contiguous state who has a compelling business interest or other legiti-
41 mate demonstrated need.

42 [(9)] **(10)** For purposes of subsection (1)(c) of this section, a person is a resident of a county if
43 the person:

44 (a) Has a current Oregon driver license issued to the person showing a residence address in the
45 county;

1 (b) Is registered to vote in the county and has a memorandum card issued to the person under
2 ORS 247.181 showing a residence address in the county;

3 (c) Has documentation showing that the person currently leases or owns real property in the
4 county; or

5 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
6 tax year showing a residence address in the county.

7 **SECTION 3. A person denied the right to inspect or to receive a copy of a public record**
8 **under ORS 192.502 (35) may petition the Attorney General or, if the person is denied the right**
9 **to inspect or to receive a copy of a public record under ORS 192.502 (35) by a public body**
10 **other than a state agency, the district attorney to review the public record to determine if**
11 **it may be withheld from public inspection. Review of the petition shall be conducted in ac-**
12 **cordance with ORS 192.450 or 192.460. The provisions of ORS 192.465 (1), 192.470 and 192.490**
13 **apply to the review.**

14 **SECTION 4.** ORS 192.480 is amended to read:

15 192.480. **Except as provided in section 3 of this 2009 Act,** in any case in which a person is
16 denied the right to inspect or to receive a copy of a public record in the custody of an elected of-
17 ficial, or in the custody of any other person but as to which an elected official claims the right to
18 withhold disclosure, no petition to require disclosure may be filed with the Attorney General or
19 district attorney, or if a petition is filed it shall not be considered by the Attorney General or dis-
20 trict attorney after a claim of right to withhold disclosure by an elected official. In such case a
21 person denied the right to inspect or to receive a copy of a public record may institute proceedings
22 for injunctive or declaratory relief in the appropriate circuit court, as specified in ORS 192.450 or
23 192.460, and the Attorney General or district attorney may upon request serve or decline to serve,
24 in the discretion of the Attorney General or district attorney, as counsel in such suit for an elected
25 official for which the Attorney General or district attorney ordinarily serves as counsel. Nothing in
26 this section shall preclude an elected official from requesting advice from the Attorney General or
27 a district attorney as to whether a public record should be disclosed.

28 **SECTION 5. (1) The amendments to ORS 166.291 by section 2 of this 2009 Act apply to**
29 **applications provided to an applicant on or after the effective date of this 2009 Act.**

30 **(2) Nothing in the amendments to ORS 166.291 by section 2 of this 2009 Act prohibits a**
31 **current holder of a concealed handgun license from providing a public body with information**
32 **relevant to the determination described in ORS 192.502 (35)(b).**
33