

## HOUSE AMENDMENTS TO HOUSE BILL 2853

By COMMITTEE ON RULES

June 4

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “166.274,  
2 166.291, 166.412, 166.470, 426.160 and 427.293.”.

3 Delete lines 4 through 31 and delete pages 2 through 6 and insert:

4 **“SECTION 1. (1) The Department of Human Services, the Psychiatric Security Review  
5 Board and the Judicial Department shall provide the Department of State Police with the  
6 minimum information necessary to identify persons who:**

7 **“(a) Have been committed by a court to the Department of Human Services under ORS  
8 426.130, based on a finding that the person is dangerous to self or others;**

9 **“(b) Are subject to a court order under ORS 426.130 prohibiting the person from pur-  
10 chasing or possessing a firearm;**

11 **“(c) Have been committed by a court to the Department of Human Services under ORS  
12 427.290, based on a finding that the person is dangerous to self or others;**

13 **“(d) Have been found by a court to lack fitness to proceed under ORS 161.370;**

14 **“(e) Have been found guilty except for insanity of a crime under ORS 161.295 to 161.370;**

15 **“(f) Have been found responsible except for insanity for an act under ORS 419C.411;**

16 **“(g) Have been placed under the jurisdiction of the Psychiatric Security Review Board  
17 by a court; or**

18 **“(h) Have been committed to a state hospital or facility under ORS 161.327, 161.336 to  
19 161.351 or 419C.529 to 419C.544.**

20 **“(2) Upon receipt of the information described in this section, the Department of State  
21 Police shall access and maintain the information and transmit the information to the federal  
22 government as required under federal law.**

23 **“(3) The Department of Human Services, the Psychiatric Security Review Board and the  
24 Judicial Department shall enter into agreements with the Department of State Police de-  
25 scribing the access to information provided under this section.**

26 **“(4) The Department of State Police shall adopt rules:**

27 **“(a) After consulting with the Department of Human Services, the Psychiatric Security  
28 Review Board and the Judicial Department, describing the type of information provided to  
29 the Department of State Police under this section; and**

30 **“(b) Describing the method and manner of maintaining the information described in this  
31 section and transmitting the information to the federal government.**

32 **“(5) As used in this section, ‘minimum information necessary’ means data elements or  
33 nominal information that is necessary or required under federal law to accurately identify a  
34 person described in this section and includes the person’s name, date of birth, gender and  
35 reference information that identifies the originating agency or court and enables the origi-**

1 nating agency or court to locate an underlying record or file of a person described in this  
2 section. 'Minimum information necessary' does not include any medical, psychiatric or psy-  
3 chological information, case histories or files of a person described in this section or any  
4 record or file of an originating agency or court.

5 "**SECTION 2.** ORS 426.160 is amended to read:

6 "426.160. The judge shall cause to be recorded in the court records a full account of proceedings  
7 had at all hearings and examinations conducted pursuant to ORS 426.005, 426.060 to 426.170, 426.217,  
8 426.228, 426.255 to 426.292, 426.300 to 426.309, 426.335, 426.385 and 426.395, together with the judg-  
9 ments and orders of the court and a copy of the orders issued. The account of the proceedings and  
10 transcripts of testimony if taken thereat shall be delivered to the court clerk or court administrator  
11 who shall cause it to be sealed and neither the account of the proceedings nor the transcript of  
12 testimony if taken shall be disclosed to any person except:

13 "(1) **The court shall, pursuant to rules adopted by the Department of State Police,**  
14 **transmit the minimum information necessary, as defined in section 1 of this 2009 Act, to the**  
15 **Department of State Police bureau of criminal identification for persons described in section**  
16 **1 (1)(a) or (b) of this 2009 Act to enable the department to access and maintain the infor-**  
17 **mation and transmit the information to the federal government as required under federal**  
18 **law;**

19 "[1] (2) As provided in ORS 426.070 (5)(c), 426.130 (3) or 426.170;

20 "[2] (3) Upon request of the person subject to the proceedings, the legal representatives, or the  
21 attorney of the person; or

22 "[3] (4) Pursuant to court order.

23 "**SECTION 3.** ORS 427.293 is amended to read:

24 "427.293. (1) The court shall cause to be recorded in the court records:

25 "(a) A full account of all proceedings conducted under ORS 427.235 to 427.290;

26 "(b) Reports submitted to the court under ORS 427.270;

27 "(c) The judgments and orders of the court; and

28 "(d) A copy of the judgments and orders issued.

29 "(2) The account of the proceedings, including any transcript of testimony, and reports submitted  
30 to the court under ORS 427.270 shall be delivered to the court clerk or court administrator who  
31 shall cause them to be sealed. The account of the proceedings, the reports and any transcript of  
32 testimony may not be disclosed to any person except *upon*:

33 "(a) **The court shall, pursuant to rules adopted by the Department of State Police,**  
34 **transmit the minimum information necessary, as defined in section 1 of this 2009 Act, to the**  
35 **Department of State Police bureau of criminal identification for persons described in section**  
36 **1 (1)(c) of this 2009 Act to enable the department to maintain the information and transmit**  
37 **the information to the federal government as required under federal law;**

38 "[a] (b) **Upon** request of the person subject to the proceedings or the legal representative or  
39 attorney of the person; or

40 "[b] (c) **Pursuant to an** order of the court.

41 "**SECTION 4.** ORS 166.412 is amended to read:

42 "166.412. (1) As used in this section:

43 "(a) 'Antique firearm' has the meaning given that term in 18 U.S.C. 921;

44 "(b) 'Department' means the Department of State Police;

45 "(c) 'Firearm' has the meaning given that term in ORS 166.210, except that it does not include

1 an antique firearm;

2 “(d) ‘Firearms transaction record’ means the firearms transaction record required by 18 U.S.C.

3 921 to 929;

4 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under

5 subsection [(12)] (11) of this section;

6 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,

7 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or

8 otherwise;

9 “(g) ‘Handgun’ has the meaning given that term in ORS 166.210; and

10 “(h) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm from a gun

11 dealer.

12 “(2) Except as provided in subsections (3)(c) and [(13)] (12) of this section, a gun dealer shall

13 comply with the following before a handgun is delivered to a purchaser:

14 “(a) The purchaser shall present to the dealer current identification meeting the requirements

15 of subsection (4) of this section.

16 “(b) The gun dealer shall complete the firearms transaction record and obtain the signature of

17 the purchaser on the record.

18 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction

19 thumbprint form and attach the form to the gun dealer’s copy of the firearms transaction record to

20 be filed with that copy.

21 “(d) The gun dealer shall request by telephone that the department conduct a criminal history

22 record check on the purchaser and shall provide the following information to the department:

23 “(A) The federal firearms license number of the gun dealer;

24 “(B) The business name of the gun dealer;

25 “(C) The place of transfer;

26 “(D) The name of the person making the transfer;

27 “(E) The make, model, caliber and manufacturer’s number of the handgun being transferred;

28 “(F) The name and date of birth of the purchaser;

29 “(G) The Social Security number of the purchaser if the purchaser voluntarily provides this

30 number to the gun dealer; and

31 “(H) The type, issuer and identification number of the identification presented by the purchaser.

32 “(e) The gun dealer shall receive a unique approval number for the transfer from the department

33 and record the approval number on the firearms transaction record and on the firearms transaction

34 thumbprint form.

35 “(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the

36 completion of the firearms transaction thumbprint form.

37 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-

38 partment shall immediately, during the gun dealer’s telephone call or by return call:

39 “(A) Determine, from criminal records and other information available to it, whether the pur-

40 chaser is disqualified under ORS 166.470 from completing the purchase; and

41 “(B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide

42 the dealer with a unique approval number indicating that the purchaser is qualified to complete the

43 transfer.

44 “(b) If the department is unable to determine if the purchaser is qualified or disqualified from

45 completing the transfer within 30 minutes, the department shall notify the dealer and provide the

1 dealer with an estimate of the time when the department will provide the requested information.

2 “(c) If the department fails to provide a unique approval number to a gun dealer or to notify the  
3 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close  
4 of the gun dealer’s next business day following the request by the dealer for a criminal history re-  
5 cord check, the dealer may deliver the handgun to the purchaser.

6 “(4)(a) Identification required of the purchaser under subsection (2) of this section shall include  
7 one piece of current identification bearing a photograph and the date of birth of the purchaser that:

8 “(A) Is issued under the authority of the United States Government, a state, a political subdivi-  
9 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-  
10 tional governmental organization or an international quasi-governmental organization; and

11 “(B) Is intended to be used for identification of an individual or is commonly accepted for the  
12 purpose of identification of an individual.

13 “(b) If the identification presented by the purchaser under paragraph (a) of this subsection does  
14 not include the current address of the purchaser, the purchaser shall present a second piece of  
15 current identification that contains the current address of the purchaser. The Superintendent of  
16 State Police may specify by rule the type of identification that may be presented under this para-  
17 graph.

18 “(c) The department may require that the dealer verify the identification of the purchaser if that  
19 identity is in question by sending the thumbprints of the purchaser to the department.

20 “(5) The department shall establish a telephone number that shall be operational seven days a  
21 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from  
22 dealers for a criminal history record check under this section.

23 “(6) No public employee, official or agency shall be held criminally or civilly liable for per-  
24 forming the investigations required by this section provided the employee, official or agency acts in  
25 good faith and without malice.

26 “(7)(a) The department may retain a record of the information obtained during a request for a  
27 criminal records check for no more than five years.

28 “(b) The record of the information obtained during a request for a criminal records check by a  
29 gun dealer is exempt from disclosure under public records law.

30 “[8] *The Department of Human Services shall provide the Department of State Police with direct*  
31 *electronic access to information from the Department of Human Services’ database of information*  
32 *identifying persons meeting the criteria in ORS 166.470 (1)(e) and (f) who were committed or subject*  
33 *to an order under ORS 426.130. The Department of State Police and the Department of Human Services*  
34 *shall enter into an agreement describing the access to information under this subsection.]*

35 “[9] (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers  
36 of handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal  
37 investigation or under the authority of a properly authorized subpoena or search warrant.

38 “[10] (9) When a handgun is delivered, it shall be unloaded.

39 “[11] (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of  
40 State Police may adopt rules necessary for:

41 “(a) The design of the firearms transaction thumbprint form;

42 “(b) The maintenance of a procedure to correct errors in the criminal records of the department;

43 “(c) The provision of a security system to identify dealers who request a criminal history record  
44 check under subsection (2) of this section; and

45 “(d) The creation and maintenance of a database of the business hours of gun dealers.

1       “[(12)] (11) The department shall publish the firearms transaction thumbprint form and shall  
2 furnish the form to gun dealers on application at cost.

3       “[(13)] (12) This section does not apply to transactions between persons licensed as dealers un-  
4 der 18 U.S.C. 923.

5       “**SECTION 5. (1) A person barred from transporting, shipping, possessing or receiving a**  
6 **firearm may file a petition with the Psychiatric Security Review Board for relief from the**  
7 **bar if:**

8       “(a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(D) or (E);

9       “(b) The person is barred from receiving a firearm under:

10       “(A) ORS 166.470 (1)(b) and the bar is the result of the person having been found guilty  
11 except for insanity of a felony; or

12       “(B) ORS 166.470 (1)(e) or (f); or

13       “(c) The person is barred from possessing, receiving, shipping or transporting a firearm  
14 under 18 U.S.C. 922(d)(4) or (g)(4) as the result of a state mental health determination.

15       “(2) The petitioner shall serve a copy of the petition on:

16       “(a) The Department of Human Services; and

17       “(b) The district attorney in each county in which:

18       “(A) The person was committed by a court to the Department of Human Services, or  
19 adjudicated by a court as mentally ill, under ORS 426.130;

20       “(B) The person was committed by a court to the Department of Human Services, or  
21 adjudicated by a court as mentally retarded, under ORS 427.290;

22       “(C) The person was found guilty except for insanity under ORS 161.295;

23       “(D) The person was found responsible except for insanity under ORS 419C.411; or

24       “(E) The person was found by a court to lack fitness to proceed under ORS 161.370.

25       “(3) Following receipt of the petition, the board shall conduct a contested case hearing,  
26 make written findings of fact and conclusions of law on the issues before the board and issue  
27 a final order.

28       “(4) The state and any person or entity described in subsection (2) of this section may  
29 appear and object to and present evidence relevant to the relief sought by the petitioner.

30       “(5) The board shall grant the relief requested in the petition if the petitioner demon-  
31 strates, based on the petitioner’s reputation, the petitioner’s record, the circumstances  
32 surrounding the firearm disability and any other evidence in the record, that the petitioner  
33 will not be likely to act in a manner that is dangerous to public safety and that granting the  
34 relief would not be contrary to the public interest.

35       “(6) If the board grants the relief requested in the petition, the board shall provide to the  
36 Department of State Police the minimum information necessary, as defined in section 1 of  
37 this 2009 Act, to enable the department to:

38       “(a) Maintain the information and transmit the information to the federal government  
39 as required under federal law; and

40       “(b) Maintain a record of the person’s relief from the disqualification to possess or re-  
41 ceive a firearm under ORS 166.250 (1)(c)(D) or (E) or 166.470 (1)(b), (e) or (f).

42       “(7) The petitioner may petition for judicial review of a final order of the board. The pe-  
43 tition shall be filed in the circuit court of a county described in subsection (2)(b) of this  
44 section. The review shall be conducted de novo and without a jury.

45       “(8) A petitioner may take an appeal from the circuit court to the Court of Appeals. Re-

1 view by the Court of Appeals shall be conducted in accordance with ORS 183.500.

2 “(9) A person may file a petition for relief under this section no more than once every  
3 two years.

4 “(10) The board shall adopt procedural rules to carry out the provisions of this section.

5 “(11) As used in this section, ‘state mental health determination’ means:

6 “(a) A finding by a court that a person lacks fitness to proceed under ORS 161.370;

7 “(b) A finding that a person is guilty except for insanity of a crime under ORS 161.295  
8 or responsible except for insanity of an act under ORS 419C.411 or any determination by the  
9 Psychiatric Security Review Board thereafter;

10 “(c) A commitment by a court to the Department of Human Services, or an adjudication  
11 by a court that a person is mentally ill, under ORS 426.130; or

12 “(d) A commitment by a court to the Department of Human Services, or an adjudication  
13 by a court that a person is mentally retarded, under ORS 427.290.

14 “**SECTION 6.** ORS 166.274 is amended to read:

15 “166.274. (1) A person barred from possessing [*a firearm under ORS 166.250 (1)(c)(A), (B), (D) or*  
16 *(E) or barred from*] or purchasing a firearm [*under ORS 166.470*] may file a petition for relief from  
17 the bar [*in:*] in accordance with subsection (2) of this section if:

18 “(a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A) or (B);  
19 or

20 “(b) The person is barred from purchasing a firearm under:

21 “(A) ORS 166.470 (1)(a), (c), (d) or (g); or

22 “(B) ORS 166.470 (1)(b) and the bar is the result of the person having been convicted of  
23 a felony.

24 “(2) A petition for relief described in this section must be filed in:

25 “(a) A justice court in the petitioner’s county of residence that is reasonably accessible to the  
26 petitioner; or

27 “(b) If no justice court is reasonably accessible, the circuit court.

28 “[2] (3) A person may apply once per calendar year for relief under the provisions of this  
29 section.

30 “[3)(a)] (4)(a) A person petitioning for relief under this section shall serve a copy of the petition  
31 on:

32 “(A) The city chief of police if the court in which the petition is filed is located in a city; or

33 “(B) The sheriff of the county in which the court is located.

34 “(b) The copy of the petition shall be served on the chief of police or sheriff at the same time  
35 the petition is filed at the court.

36 “[4)(a)] (5)(a) When a petition is denied, the judge shall cause that information to be entered  
37 into the Department of State Police computerized criminal history files.

38 “(b) When a petition is granted, the judge shall cause that information and a fingerprint card  
39 of the petitioner to be entered into the Department of State Police computerized criminal history  
40 files. If, after a petition is granted, the petitioner is arrested and convicted of a crime that would  
41 disqualify the petitioner from purchasing or possessing a firearm, the Department of State Police  
42 shall notify the court that granted relief under this section. The court shall review the order  
43 granting relief and determine whether to rescind the order. The Department of State Police may  
44 charge a reasonable fee, under ORS 192.440, for the entry and maintenance of information under this  
45 section.

1 “[(5)] (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
2 county, district or other political subdivision or public corporation in this state, without appearance  
3 by attorney, may appear as a party to an action under this section.

4 “[(6)] (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
5 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
6 petitioner does not pose a threat to the safety of the public or the petitioner.

7 “[(7)] (8) A person barred from possessing or purchasing a firearm because the person, while a  
8 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
9 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
10 eligible to petition for relief under this section until more than four years have passed since the  
11 person was discharged from the jurisdiction of the juvenile court.

12 “[(8)] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days  
13 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
14 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
15 in accordance with the requirements of law.

16 “[9] (10) Filing fees shall be as for any civil action filed in the court.

17 “[10](a)] (11)(a) Initial appeals of petitions shall be heard de novo.

18 “(b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the  
19 same manner as for any other civil action.

20 “(c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
21 be ordered to pay the attorney fees for the prevailing party.

22 “**SECTION 7.** ORS 166.291 is amended to read:

23 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed  
24 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
25 out in this section, shall issue the person a concealed handgun license if the person:

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

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

31 “(b) Is at least 21 years of age;

32 “(c) Is a resident of the county;

33 “(d) Has no outstanding warrants for arrest;

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

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

36 “(A) Completion of any hunter education or hunter safety course approved by the State De-  
37 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-  
38 nent of the course;

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

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

45 “(D) Completion of any law enforcement firearms safety or training course or class offered for

1 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-  
2 cers if handgun safety was a component of the course;

3 “(E) Presents evidence of equivalent experience with a handgun through participation in or-  
4 ganized shooting competition or military service;

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

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

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

12 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
13 161.295, of a misdemeanor within the four years prior to the application;

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

15 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that  
16 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

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

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

24 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-  
25 pleted a court-supervised drug diversion program under ORS 135.907; or

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

28 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
29 107.700 to 107.735 or 163.738;

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

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

32 “(2) A person who has been granted relief under ORS 166.274 or 166.293 **or section 5 of this**  
33 **2009 Act** or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws of this state  
34 or equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L)  
35 of this section.

36 “(3) Before the sheriff may issue a license:

37 “(a) The application must state the applicant’s legal name, current address and telephone num-  
38 ber, date and place of birth, hair and eye color and height and weight. The application must also list  
39 the applicant’s residence address or addresses for the previous three years. The application must  
40 contain a statement by the applicant that the applicant meets the requirements of subsection (1) of  
41 this section. The application may include the Social Security number of the applicant if the applicant  
42 voluntarily provides this number. The application must be signed by the applicant.

43 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
44 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
45 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal



1 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
2 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
3 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
4 check and may not keep any record of the fingerprints. The Department of State Police shall report  
5 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
6 Police shall also furnish the sheriff with any information about the applicant that the Department  
7 of State Police may have in its possession from its central bureau of criminal identification includ-  
8 ing, but not limited to, manual or computerized criminal offender information.

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

11 “ \_\_\_\_\_

12  
13 APPLICATION FOR LICENSE TO CARRY CONCEALED HANDGUN

14 Date \_\_\_\_\_

15 I hereby declare as follows:

16 I am a citizen of the United States or a legal resident alien who can document continuous res-  
17 idency in the county for at least six months and have declared in writing to the United States Cit-  
18 izenship and Immigration Services my intention to become a citizen and can present proof of the  
19 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
20 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
21 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
22 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
23 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
24 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
25 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
26 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
27 volving controlled substances or completed a court-supervised drug diversion program. There are  
28 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
29 been committed to the Department of Human Services under ORS 426.130, nor have I been found  
30 mentally ill and presently subject to an order prohibiting me from purchasing or possessing a  
31 firearm because of mental illness. If any of the previous conditions do apply to me, I have been  
32 granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 **or**  
33 **section 5 of this 2009 Act** or 18 U.S.C. 925(c) or have had the records expunged. I am not subject  
34 to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or  
35 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States.  
36 I am not required to register as a sex offender in any state. I understand I will be fingerprinted and  
37 photographed.

38  
39 Legal name \_\_\_\_\_

40 Age \_\_\_\_\_ Date of birth \_\_\_\_\_

41 Place of birth \_\_\_\_\_

42 Social Security number \_\_\_\_\_

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

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

4 1. \_\_\_\_\_

5 2. \_\_\_\_\_

6  
7 Height \_\_\_\_\_ Weight \_\_\_\_\_

8 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

9  
10 Current address \_\_\_\_\_

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

11  
12  
13  
14 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

15 Phone \_\_\_\_\_

16  
17 I have read the entire text of this application, and the statements therein are correct and true.  
18 (Making false statements on this application is a misdemeanor.)

19 \_\_\_\_\_  
20 (Signature of Applicant)

21  
22 Character references.

23 \_\_\_\_\_  
24 Name Address

25 \_\_\_\_\_  
26 Name Address

27  
28 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

29  
30 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff) Date \_\_\_\_\_ Fee  
31 Paid \_\_\_\_\_

32 License No. \_\_\_\_\_

33 “ \_\_\_\_\_

34  
35 “(5)(a) Fees for concealed handgun licenses are:

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

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

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

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

41 “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative  
42 engaged in the receipt and review of, or an investigation connected with, any application for, or in  
43 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the  
44 lawful performance of duties under those sections.

45 “(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff

1 shall enter the applicant's name into the Law Enforcement Data System indicating that the person  
2 is an applicant for a concealed handgun license or is a license holder.

3 "(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section  
4 for a resident of a contiguous state who has a compelling business interest or other legitimate  
5 demonstrated need.

6 "(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the  
7 person:

8 "(a) Has a current Oregon driver license issued to the person showing a residence address in  
9 the county;

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

12 "(c) Has documentation showing that the person currently leases or owns real property in the  
13 county; or

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

16 "**SECTION 8.** ORS 166.470 is amended to read:

17 "166.470. (1) Unless relief has been granted under ORS 166.274[,] **or section 5 of this 2009 Act**  
18 **or** 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another jurisdiction,  
19 a person may not intentionally sell, deliver or otherwise transfer any firearm when the transferor  
20 knows or reasonably should know that the recipient:

21 "(a) Is under 18 years of age;

22 "(b) Has been convicted of a felony or found guilty, except for insanity under ORS 161.295, of  
23 a felony;

24 "(c) Has any outstanding felony warrants for arrest;

25 "(d) Is free on any form of pretrial release for a felony;

26 "(e) Was committed to the Department of Human Services under ORS 426.130;

27 "(f) After January 1, 1990, was found to be mentally ill and subject to an order under ORS  
28 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that  
29 mental illness; or

30 "(g) Has been convicted of a misdemeanor involving violence or found guilty, except for insanity  
31 under ORS 161.295, of a misdemeanor involving violence within the previous four years. As used in  
32 this paragraph, 'misdemeanor involving violence' means a misdemeanor described in ORS 163.160,  
33 163.187, 163.190, 163.195 or 166.155 (1)(b).

34 "(2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or  
35 reasonably should know is stolen.

36 "(3) Subsection (1)(a) of this section does not prohibit:

37 "(a) The parent or guardian, or another person with the consent of the parent or guardian, of  
38 a minor from transferring to the minor a firearm, other than a handgun; or

39 "(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other  
40 lawful purpose.

41 "(4) Violation of this section is a Class A misdemeanor.

42 "**SECTION 9.** ORS 166.274, as amended by section 6 of this 2009 Act, is amended to read:

43 "166.274. (1) A person barred from possessing **a firearm under ORS 166.250 (1)(c)(A), (B), (D)**  
44 **or (E) or barred from purchasing a firearm under ORS 166.470** may file a petition for relief from  
45 the bar in: *[accordance with subsection (2) of this section if:]*

1       “[(a) *The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A) or (B); or*]  
2       “[(b) *The person is barred from purchasing a firearm under:*]  
3       “[(A) *ORS 166.470 (1)(a), (c), (d) or (g); or*]  
4       “[(B) *ORS 166.470 (1)(b) and the bar is the result of the person having been convicted of a*  
5 *felony.*]  
6       “[(2) *A petition for relief described in this section must be filed in:*]  
7       “(a) A justice court in the petitioner’s county of residence that is reasonably accessible to the  
8 petitioner; or  
9       “(b) If no justice court is reasonably accessible, the circuit court.  
10       “[(3)] (2) A person may apply once per calendar year for relief under the provisions of this  
11 section.  
12       “[(4)(a)] (3)(a) A person petitioning for relief under this section shall serve a copy of the petition  
13 on:  
14       “(A) The city chief of police if the court in which the petition is filed is located in a city; or  
15       “(B) The sheriff of the county in which the court is located.  
16       “(b) The copy of the petition shall be served on the chief of police or sheriff at the same time  
17 the petition is filed at the court.  
18       “[(5)(a)] (4)(a) When a petition is denied, the judge shall cause that information to be entered  
19 into the Department of State Police computerized criminal history files.  
20       “(b) When a petition is granted, the judge shall cause that information and a fingerprint card  
21 of the petitioner to be entered into the Department of State Police computerized criminal history  
22 files. If, after a petition is granted, the petitioner is arrested and convicted of a crime that would  
23 disqualify the petitioner from purchasing or possessing a firearm, the Department of State Police  
24 shall notify the court that granted relief under this section. The court shall review the order  
25 granting relief and determine whether to rescind the order. The Department of State Police may  
26 charge a reasonable fee, under ORS 192.440, for the entry and maintenance of information under this  
27 section.  
28       “[(6)] (5) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
29 county, district or other political subdivision or public corporation in this state, without appearance  
30 by attorney, may appear as a party to an action under this section.  
31       “[(7)] (6) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
32 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
33 petitioner does not pose a threat to the safety of the public or the petitioner.  
34       “[(8)] (7) A person barred from possessing or purchasing a firearm because the person, while a  
35 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
36 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
37 eligible to petition for relief under this section until more than four years have passed since the  
38 person was discharged from the jurisdiction of the juvenile court.  
39       “[(9)] (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days  
40 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
41 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
42 in accordance with the requirements of law.  
43       “[(10)] (9) Filing fees shall be as for any civil action filed in the court.  
44       “[(11)(a)] (10)(a) Initial appeals of petitions shall be heard de novo.  
45       “(b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the

1 same manner as for any other civil action.

2 “(c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
3 be ordered to pay the attorney fees for the prevailing party.

4 “**SECTION 10.** ORS 166.291, as amended by section 7 of this 2009 Act, is amended to read:

5 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed  
6 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
7 out in this section, shall issue the person a concealed handgun license if the person:

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

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

13 “(b) Is at least 21 years of age;

14 “(c) Is a resident of the county;

15 “(d) Has no outstanding warrants for arrest;

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

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

18 “(A) Completion of any hunter education or hunter safety course approved by the State De-  
19 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-  
20 nent of the course;

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

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

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

30 “(E) Presents evidence of equivalent experience with a handgun through participation in or-  
31 ganized shooting competition or military service;

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

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

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

39 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
40 161.295, of a misdemeanor within the four years prior to the application;

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

42 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that  
43 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

44 “(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,  
45 while a minor, the person was found to be within the jurisdiction of the juvenile court for having

1 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-  
2 volving violence, as defined in ORS 166.470;

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

6 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-  
7 pleted a court-supervised drug diversion program under ORS 135.907; or

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

10 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
11 107.700 to 107.735 or 163.738;

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

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

14 “(2) A person who has been granted relief under ORS 166.274 or 166.293 [*or section 5 of this 2009*  
15 *Act*] or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws of this state or  
16 equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of  
17 this section.

18 “(3) Before the sheriff may issue a license:

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

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

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

38 “ \_\_\_\_\_

39  
40 APPLICATION FOR LICENSE TO CARRY CONCEALED HANDGUN

41 Date \_\_\_\_\_

42 I hereby declare as follows:

43 I am a citizen of the United States or a legal resident alien who can document continuous res-  
44 idency in the county for at least six months and have declared in writing to the United States Cit-  
45 izenship and Immigration Services my intention to become a citizen and can present proof of the

1 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
2 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
3 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
4 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
5 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
6 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
7 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
8 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
9 volving controlled substances or completed a court-supervised drug diversion program. There are  
10 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
11 been committed to the Department of Human Services under ORS 426.130, nor have I been found  
12 mentally ill and presently subject to an order prohibiting me from purchasing or possessing a  
13 firearm because of mental illness. If any of the previous conditions do apply to me, I have been  
14 granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 [*or*  
15 *section 5 of this 2009 Act*] or 18 U.S.C. 925(c) or have had the records expunged. I am not subject  
16 to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or  
17 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States.  
18 I am not required to register as a sex offender in any state. I understand I will be fingerprinted and  
19 photographed.

20

21 Legal name \_\_\_\_\_  
22 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
23 Place of birth \_\_\_\_\_  
24 Social Security number \_\_\_\_\_

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

27

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

31 1. \_\_\_\_\_  
32 2. \_\_\_\_\_

33

34 Height \_\_\_\_\_ Weight \_\_\_\_\_  
35 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

36

37 Current address \_\_\_\_\_

38

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

39

40

41 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

42

Phone \_\_\_\_\_

43

44 I have read the entire text of this application, and the statements therein are correct and true.  
45 (Making false statements on this application is a misdemeanor.)

Character references.

Name	Address

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff) Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

License No. \_\_\_\_\_

“ \_\_\_\_\_

“(5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

“(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

“(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.

“(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:

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

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

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

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

“**SECTION 11.** ORS 166.470, as amended by section 8 of this 2009 Act, is amended to read:

“166.470. (1) Unless relief has been granted under ORS 166.274 or [section 5 of this 2009 Act or] 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another jurisdiction, a



1 person may not intentionally sell, deliver or otherwise transfer any firearm when the transferor  
2 knows or reasonably should know that the recipient:

3 “(a) Is under 18 years of age;

4 “(b) Has been convicted of a felony or found guilty, except for insanity under ORS 161.295, of  
5 a felony;

6 “(c) Has any outstanding felony warrants for arrest;

7 “(d) Is free on any form of pretrial release for a felony;

8 “(e) Was committed to the Department of Human Services under ORS 426.130;

9 “(f) After January 1, 1990, was found to be mentally ill and subject to an order under ORS  
10 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that  
11 mental illness; or

12 “(g) Has been convicted of a misdemeanor involving violence or found guilty, except for insanity  
13 under ORS 161.295, of a misdemeanor involving violence within the previous four years. As used in  
14 this paragraph, ‘misdemeanor involving violence’ means a misdemeanor described in ORS 163.160,  
15 163.187, 163.190, 163.195 or 166.155 (1)(b).

16 “(2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or  
17 reasonably should know is stolen.

18 “(3) Subsection (1)(a) of this section does not prohibit:

19 “(a) The parent or guardian, or another person with the consent of the parent or guardian, of  
20 a minor from transferring to the minor a firearm, other than a handgun; or

21 “(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other  
22 lawful purpose.

23 “(4) Violation of this section is a Class A misdemeanor.

24 **“SECTION 12. (1) Section 1 of this 2009 Act applies to records and information in the**  
25 **possession of the Department of Human Services, the Psychiatric Security Review Board or**  
26 **the Judicial Department on or after the effective date of this 2009 Act, irrespective of when**  
27 **the record or information was created.**

28 **“(2)(a) When the Department of Human Services determines that the department has**  
29 **received a sufficient legislative appropriation or federal funding to carry out the provisions**  
30 **of section 1 of this 2009 Act, the department shall adopt a rule so indicating. The department**  
31 **shall notify Legislative Counsel when the rule is adopted.**

32 **“(b) When the Chief Justice of the Supreme Court determines that the Judicial Depart-**  
33 **ment has received a sufficient legislative appropriation or federal funding to carry out the**  
34 **provisions of section 1 of this 2009 Act, the Chief Justice shall issue an order so indicating.**  
35 **The Chief Justice shall notify Legislative Counsel when the order is issued.**

36 **“(c) When the Psychiatric Security Review Board determines that the board has received**  
37 **a sufficient legislative appropriation or federal funding to carry out the provisions of section**  
38 **1 of this 2009 Act, the board shall adopt a rule so indicating. The board shall notify Legisla-**  
39 **tive Counsel when the rule is adopted.**

40 **“(3)(a) The Department of Human Services need not comply with section 1 of this 2009**  
41 **Act or the amendments to ORS 166.412 by section 4 of this 2009 Act until the rule described**  
42 **in subsection (2)(a) of this section is adopted.**

43 **“(b) The Judicial Department need not comply with section 1 of this 2009 Act until the**  
44 **Chief Justice issues the order described in subsection (2)(b) of this section.**

45 **“(c) The Psychiatric Security Review Board need not comply with section 1 of this 2009**

1 Act until the rule described in subsection (2)(c) of this section is adopted.

2 “(4)(a) When the Chief Justice of the Supreme Court determines that the Judicial De-  
3 partment has received a sufficient legislative appropriation or federal funding to carry out  
4 the provisions of the amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009  
5 Act, the Chief Justice shall issue an order so indicating. The Chief Justice shall notify Leg-  
6 islative Counsel when the order is issued.

7 “(b) The amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act be-  
8 come operative on the date the order described in paragraph (a) of this subsection is issued.

9 “SECTION 13. (1) When the Psychiatric Security Review Board determines that the board  
10 has received a sufficient legislative appropriation or federal funding to carry out the pro-  
11 visions of section 5 of this 2009 Act, the board shall adopt a rule so indicating. The board  
12 shall notify Legislative Counsel upon adoption of the rule.

13 “(2) Section 5 of this 2009 Act and the amendments to ORS 166.274, 166.291 and 166.470  
14 by sections 6 to 8 of this 2009 Act become operative on the date the rule described in sub-  
15 section (1) of this section is adopted.

16 “SECTION 14. (1) Sections 5 and 13 of this 2009 Act are repealed on January 2, 2012.

17 “(2) The amendments to ORS 166.274, 166.291 and 166.470 by sections 9 to 11 of this 2009  
18 Act become operative on January 2, 2012.

19 “SECTION 15. (1) The repeal of section 5 of this 2009 Act by section 14 of this 2009 Act  
20 does not affect any petition for relief filed pursuant to section 5 of this 2009 Act with the  
21 Psychiatric Security Review Board before January 2, 2012. Any proceeding commenced under  
22 section 5 of this 2009 Act before January 2, 2012, shall continue to be governed by the pro-  
23 visions of section 5 of this 2009 Act.

24 “(2) Nothing in the repeal of section 5 of this 2009 Act by section 14 of this 2009 Act or  
25 the amendments to ORS 166.274, 166.291 and 166.470 by sections 9 to 11 of this 2009 Act af-  
26 fects the relief granted to a person under section 5 of this 2009 Act.”.

27