

**A-Engrossed**  
**Senate Bill 1008**

Ordered by the Senate February 8  
Including Senate Amendments dated February 8

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

**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.

Modifies circumstances under which person convicted of felony may obtain relief from prohibition against possession and transfer of firearms.

Modifies firearms provisions related to commitment of person with mental illness.

**Clarifies circumstances in which person commits crime of unlawful possession of firearm.**

Eliminates requirement that forfeiture counsel send copy of judgment to Asset Forfeiture Oversight Advisory Committee.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to crime; creating new provisions; amending ORS 131.588, 131A.300, 166.250, 166.260,  
3 166.270, 166.274, 166.291 and 166.470; and declaring an emergency.

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

5 **SECTION 1.** ORS 166.270 is amended to read:

6 166.270. (1) Any person who has been convicted of a felony under the law of this state or any  
7 other state, or who has been convicted of a felony under the laws of the Government of the United  
8 States, who owns or has in the person's possession or under the person's custody or control any  
9 firearm commits the crime of felon in possession of a firearm.

10 (2) Any person who has been convicted of a felony under the law of this state or any other state,  
11 or who has been convicted of a felony under the laws of the Government of the United States, who  
12 owns or has in the person's possession or under the person's custody or control any instrument or  
13 weapon having a blade that projects or swings into position by force of a spring or by centrifugal  
14 force or any blackjack, slungshot, sandclub, sandbag, sap glove, metal knuckles or an Electro-  
15 Muscular Disruption Technology device as defined in ORS 165.540, or who carries a dirk, dagger  
16 or stiletto, commits the crime of felon in possession of a restricted weapon.

17 (3) For the purposes of this section, a person "has been convicted of a felony" if, at the time  
18 of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it  
19 was committed. Such conviction shall not be deemed a conviction of a felony if:

20 (a) The court declared the conviction to be a misdemeanor at the time of judgment; or

21 (b) The offense was possession of marijuana and the conviction was prior to January 1, 1972.

22 (4) Subsection (1) of this section does not apply to any person who has been:

23 (a) Convicted of only one felony under the law of this state or any other state, or who has been

**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 convicted of only one felony under the laws of the United States, which felony did not involve  
2 criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon  
3 having a blade that projects or swings into position by force of a spring or by centrifugal force, and  
4 who has been discharged from imprisonment, parole, **post-prison supervision** or probation for said  
5 offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section;  
6 or

7 (b) Granted relief from the disability under 18 U.S.C. 925(c) [*or ORS 166.274*] or has had the  
8 person's record expunged under the laws of this state or equivalent laws of another jurisdiction.

9 **(5) A person described in subsection (4)(a) of this section who is barred from possessing  
10 a firearm under ORS 166.250 (1)(c)(C) or barred from purchasing a firearm under ORS 166.470  
11 (1)(b) may file a petition for relief from the bar in accordance with ORS 166.274.**

12 [(5)] (6) Felon in possession of a firearm is a Class C felony. Felon in possession of a restricted  
13 weapon is a Class A misdemeanor.

14 **SECTION 2.** 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) to (E) or*  
16 *166.270 or barred from*] **or** purchasing a firearm [*under ORS 166.470 (1)(a) to (g)*] may file a petition  
17 for relief from the bar [*in:*] **in accordance with subsection (2) of this section if:**

18 **(a) The person is barred from:**

19 **(A) Possessing a firearm under ORS 166.250 (1)(c)(A) to (E); or**

20 **(B) Purchasing a firearm under ORS 166.470 (1)(a) to (g); and**

21 **(b) The person is not barred from possessing a firearm under ORS 166.270.**

22 **(2) A petition for relief described in this section must be filed in the circuit court in the  
23 petitioner's county of residence.**

24 [(a) *A justice court in the petitioner's county of residence that is reasonably accessible to the  
25 petitioner; or*]

26 [(b) *If no justice court is reasonably accessible, the circuit court.*]

27 [(2)] (3) A person may apply once per calendar year for relief under the provisions of this sec-  
28 tion.

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

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

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

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

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

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

44 [(5)] (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
45 county, district or other political subdivision or public corporation in this state, without appearance

1 by attorney, may appear as a party to an action under this section.

2 [(6)] (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
3 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
4 petitioner does not pose a threat to the safety of the public or the petitioner.

5 [(7)] (8) A person barred from possessing or purchasing a firearm because the person, while a  
6 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
7 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
8 eligible to petition for relief under this section until more than four years have passed since the  
9 person was discharged from the jurisdiction of the juvenile court.

10 [(8)] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days  
11 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
12 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
13 in accordance with the requirements of law.

14 [(9)] (10) Filing fees shall be as for any civil action filed in the court.

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

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

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

20 **SECTION 3.** ORS 166.274, as amended by section 19, chapter 826, Oregon Laws 2009, is  
21 amended to read:

22 166.274. (1) A person barred from possessing or purchasing a firearm may file a petition for relief  
23 from the bar in accordance with subsection (2) of this section if:

24 (a) **The person is barred from:**

25 (A) [*The person is barred from*] Possessing a firearm under ORS 166.250 (1)(c)(A) to (C) [*or*  
26 *166.270*]; or

27 [(b)] (B) [*The person is barred from*] Purchasing a firearm under ORS 166.470 (1)(a) to (d) or  
28 (g); **and**

29 (b) **The person is not barred from possessing a firearm under ORS 166.270.**

30 [(2) *A petition for relief described in this section must be filed in:*]

31 [(a) *A justice court in the petitioner's county of residence that is reasonably accessible to the*  
32 *petitioner; or*]

33 [(b) *If no justice court is reasonably accessible, the circuit court.*]

34 (2) **A petition for relief described in this section must be filed in the circuit court in the**  
35 **petitioner's county of residence.**

36 (3) A person may apply once per calendar year for relief under the provisions of this section.

37 (4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

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

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

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

42 (5)(a) When a petition is denied, the judge shall cause that information to be entered into the  
43 Department of State Police computerized criminal history files.

44 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
45 the petitioner to be entered into the Department of State Police computerized criminal history files.

1 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
2 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
3 notify the court that granted relief under this section. The court shall review the order granting  
4 relief and determine whether to rescind the order. The Department of State Police may charge a  
5 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

6 (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,  
7 district or other political subdivision or public corporation in this state, without appearance by at-  
8 torney, may appear as a party to an action under this section.

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

12 (8) A person barred from possessing or purchasing a firearm because the person, while a minor,  
13 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-  
14 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-  
15 igible to petition for relief under this section until more than four years have passed since the  
16 person was discharged from the jurisdiction of the juvenile court.

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

21 (10) Filing fees shall be as for any civil action filed in the court.

22 (11)(a) Initial appeals of petitions shall be heard de novo.

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

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

27 **SECTION 4.** ORS 166.274, as amended by sections 19 and 20, chapter 826, Oregon Laws 2009,  
28 is amended to read:

29 166.274. (1) A person barred from possessing [*a firearm under ORS 166.250 (1)(c)(A) to (E) or*  
30 *166.270 or barred from*] **or** purchasing a firearm [*under ORS 166.470 (1)(a) to (g)*] may file a petition  
31 for relief from the bar [*in:*] **in accordance with subsection (2) of this section if:**

32 **(a) The person is barred from:**

33 **(A) Possessing a firearm under ORS 166.250 (1)(c)(A) to (E); or**

34 **(B) Purchasing a firearm under ORS 166.470 (1)(a) to (g); and**

35 **(b) The person is not barred from possessing a firearm under ORS 166.270.**

36 **(2) A petition for relief described in this section must be filed in the circuit court in the**  
37 **petitioner's county of residence.**

38 [*(a) A justice court in the petitioner's county of residence that is reasonably accessible to the*  
39 *petitioner; or*]

40 [*(b) If no justice court is reasonably accessible, the circuit court.*]

41 [(2)] **(3)** A person may apply once per calendar year for relief under the provisions of this sec-  
42 tion.

43 [(3)(a)] **(4)(a)** A person petitioning for relief under this section shall serve a copy of the petition  
44 on:

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

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

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

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

6 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
7 the petitioner to be entered into the Department of State Police computerized criminal history files.  
8 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
9 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
10 notify the court that granted relief under this section. The court shall review the order granting  
11 relief and determine whether to rescind the order. The Department of State Police may charge a  
12 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

13 [(5)] (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
14 county, district or other political subdivision or public corporation in this state, without appearance  
15 by attorney, may appear as a party to an action under this section.

16 [(6)] (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
17 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
18 petitioner does not pose a threat to the safety of the public or the petitioner.

19 [(7)] (8) A person barred from possessing or purchasing a firearm because the person, while a  
20 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
21 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
22 eligible to petition for relief under this section until more than four years have passed since the  
23 person was discharged from the jurisdiction of the juvenile court.

24 [(8)] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days  
25 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
26 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
27 in accordance with the requirements of law.

28 [(9)] (10) Filing fees shall be as for any civil action filed in the court.

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

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

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

34 **SECTION 5.** ORS 166.250 is amended to read:

35 166.250. (1) Except as otherwise provided in this section or ORS 166.260, [166.270,] 166.274,  
36 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm  
37 if the person knowingly:

38 (a) Carries any firearm concealed upon the person;

39 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
40 cle; or

41 (c) Possesses a firearm and:

42 (A) Is under 18 years of age;

43 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
44 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
45 volving violence, as defined in ORS 166.470; and

1 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
2 charged under this section;

3 (C) Has been convicted of a felony;

4 [(D) Was committed to the Oregon Health Authority under ORS 426.130;]

5 **(D) Was committed under ORS 426.130 to either the Department of Human Services or**  
6 **the Oregon Health Authority;**

7 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
8 prohibited from purchasing or possessing a firearm as a result of that mental illness; or

9 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

10 (2) This section does not prohibit:

11 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
12 sessed a firearm:

13 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
14 guardian or by another person with the consent of the minor's parent or guardian; or

15 (B) Temporarily for hunting, target practice or any other lawful purpose; or

16 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
17 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
18 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
19 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
20 keep any such firearm at the person's place of residence or place of business is required of any such  
21 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
22 while used, for whatever period of time, as residential quarters.

23 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

24 (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
25 within the meaning of this section if the handgun is within the passenger compartment of the vehi-  
26 cle.

27 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle  
28 **or if the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile**, a handgun is not  
29 readily accessible within the meaning of this section if:

30 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
31 container; and

32 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
33 container unlocks with a key.

34 (5) Unlawful possession of a firearm is a Class A misdemeanor.

35 **SECTION 6.** ORS 166.250, as amended by section 8a, chapter 826, Oregon Laws 2009, is  
36 amended to read:

37 166.250. (1) Except as otherwise provided in this section or ORS 166.260, [166.270,] 166.274,  
38 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits  
39 the crime of unlawful possession of a firearm if the person knowingly:

40 (a) Carries any firearm concealed upon the person;

41 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
42 cle; or

43 (c) Possesses a firearm and:

44 (A) Is under 18 years of age;

45 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having

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

3 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
4 charged under this section;

5 (C) Has been convicted of a felony;

6 *[(D) Was committed to the Oregon Health Authority under ORS 426.130;]*

7 **(D) Was committed under ORS 426.130 to either the Department of Human Services or**  
8 **the Oregon Health Authority;**

9 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
10 prohibited from purchasing or possessing a firearm as a result of that mental illness; or

11 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

12 (2) This section does not prohibit:

13 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
14 sessed a firearm:

15 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
16 guardian or by another person with the consent of the minor's parent or guardian; or

17 (B) Temporarily for hunting, target practice or any other lawful purpose; or

18 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
19 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
20 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
21 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
22 keep any such firearm at the person's place of residence or place of business is required of any such  
23 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
24 while used, for whatever period of time, as residential quarters.

25 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

26 (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
27 within the meaning of this section if the handgun is within the passenger compartment of the vehi-  
28 cle.

29 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle  
30 **or if the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile**, a handgun is not  
31 readily accessible within the meaning of this section if:

32 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
33 container; and

34 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
35 container unlocks with a key.

36 (5) Unlawful possession of a firearm is a Class A misdemeanor.

37 **SECTION 7.** ORS 166.250, as amended by sections 8a and 11a, chapter 826, Oregon Laws 2009,  
38 is amended to read:

39 166.250. (1) Except as otherwise provided in this section or ORS 166.260, *[166.270,]* 166.274,  
40 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm  
41 if the person knowingly:

42 (a) Carries any firearm concealed upon the person;

43 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
44 cle; or

45 (c) Possesses a firearm and:

- 1 (A) Is under 18 years of age;
- 2 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
3 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
4 volving violence, as defined in ORS 166.470; and
- 5 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
6 charged under this section;
- 7 (C) Has been convicted of a felony;
- 8 *[(D) Was committed to the Oregon Health Authority under ORS 426.130;]*
- 9 **(D) Was committed under ORS 426.130 to either the Department of Human Services or**  
10 **the Oregon Health Authority;**
- 11 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
12 prohibited from purchasing or possessing a firearm as a result of that mental illness; or
- 13 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.
- 14 (2) This section does not prohibit:
- 15 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
16 sessed a firearm:
- 17 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
18 guardian or by another person with the consent of the minor's parent or guardian; or
- 19 (B) Temporarily for hunting, target practice or any other lawful purpose; or
- 20 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
21 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
22 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
23 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
24 keep any such firearm at the person's place of residence or place of business is required of any such  
25 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
26 while used, for whatever period of time, as residential quarters.
- 27 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.
- 28 (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
29 within the meaning of this section if the handgun is within the passenger compartment of the vehi-  
30 cle.
- 31 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle  
32 **or if the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile**, a handgun is not  
33 readily accessible within the meaning of this section if:
- 34 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
35 container; and
- 36 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
37 container unlocks with a key.
- 38 (5) Unlawful possession of a firearm is a Class A misdemeanor.
- 39 **SECTION 8.** ORS 166.260 is amended to read:
- 40 166.260. (1) ORS 166.250 does not apply to or affect:
- 41 (a) Sheriffs, constables, marshals, parole and probation officers, police officers, whether active  
42 or honorably retired, or other duly appointed peace officers.
- 43 (b) Any person summoned by any such officer to assist in making arrests or preserving the  
44 peace, while said person so summoned is actually engaged in assisting the officer.
- 45 (c) The possession or transportation by any merchant of unloaded firearms as merchandise.



1 (d) Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps of  
2 the United States, or of the National Guard, when on duty.

3 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS  
4 166.250 from the United States, or from this state.

5 (f) Duly authorized military or civil organizations while parading, or the members thereof when  
6 going to and from the places of meeting of their organization.

7 (g) A corrections officer while transporting or accompanying an individual convicted of or ar-  
8 rested for an offense and confined in a place of incarceration or detention while outside the confines  
9 of the place of incarceration or detention.

10 (h) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

11 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has  
12 been granted relief from the disability under ORS 166.274 **or 18 U.S.C. 925(c) or the expunction**  
13 **laws of this state or an equivalent law of another jurisdiction.**

14 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
15 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

16 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon  
17 the established target ranges, whether public or private, while such members are using any of the  
18 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such  
19 ranges.

20 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-  
21 turning from a hunting or fishing expedition.

22 (4) The exceptions listed in subsection (1)(b) to (h) of this section constitute affirmative defenses  
23 to a charge of violating ORS 166.250.

24 **SECTION 9.** ORS 166.470 is amended to read:

25 166.470. (1) Unless relief has been granted under ORS 166.274, 18 U.S.C. 925(c) or the expunction  
26 laws of this state or an equivalent law of another jurisdiction, a person may not intentionally sell,  
27 deliver or otherwise transfer any firearm when the transferor knows or reasonably should know that  
28 the recipient:

29 (a) Is under 18 years of age;

30 (b) Has been convicted of a felony;

31 (c) Has any outstanding felony warrants for arrest;

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

33 *[(e) Was committed to the Oregon Health Authority under ORS 426.130;]*

34 (e) **Was committed under ORS 426.130 to either the Department of Human Services or**  
35 **the Oregon Health Authority;**

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

39 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity  
40 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in  
41 this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160,  
42 163.187, 163.190, 163.195 or 166.155 (1)(b); or

43 (h) Has been found guilty except for insanity under ORS 161.295 of a felony.

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

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

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

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

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

7 **SECTION 10.** ORS 166.470, as amended by section 8, chapter 826, Oregon Laws 2009, is  
8 amended to read:

9 166.470. (1) Unless relief has been granted under ORS 166.274 or section 5, chapter 826, Oregon  
10 Laws 2009, or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another  
11 jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the  
12 transferor knows or reasonably should know that the recipient:

13 (a) Is under 18 years of age;

14 (b) Has been convicted of a felony;

15 (c) Has any outstanding felony warrants for arrest;

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

17 [*e*] Was committed to the Oregon Health Authority under ORS 426.130;]

18 (e) **Was committed under ORS 426.130 to either the Department of Human Services or**  
19 **the Oregon Health Authority;**

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

23 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity  
24 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in  
25 this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160,  
26 163.187, 163.190, 163.195 or 166.155 (1)(b); or

27 (h) Has been found guilty except for insanity under ORS 161.295 of a felony.

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

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

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

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

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

36 **SECTION 11.** ORS 166.470, as amended by sections 8 and 11, chapter 826, Oregon Laws 2009,  
37 is amended to read:

38 166.470. (1) Unless relief has been granted under ORS 166.274 or 18 U.S.C. 925(c) or the  
39 expunction laws of this state or an equivalent law of another jurisdiction, a person may not inten-  
40 tionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably  
41 should know that the recipient:

42 (a) Is under 18 years of age;

43 (b) Has been convicted of a felony;

44 (c) Has any outstanding felony warrants for arrest;

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

1        *[(e) Was committed to the Oregon Health Authority under ORS 426.130;]*

2        **(e) Was committed under ORS 426.130 to either the Department of Human Services or**  
3 **the Oregon Health Authority;**

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

7        (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity  
8 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in  
9 this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160,  
10 163.187, 163.190, 163.195 or 166.155 (1)(b); or

11        (h) Has been found guilty except for insanity under ORS 161.295 of a felony.

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

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

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

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

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

20        **SECTION 12.** ORS 166.291 is amended to read:

21        166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
22 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
23 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

30        (c) Is a resident of the county;

31        (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

10 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
11 161.295, of a misdemeanor within the four years prior to the application;

12 *[(i) Has not been committed to the Oregon Health Authority under ORS 426.130;]*

13 **(i) Has not been committed under ORS 426.130 to either the Department of Human Ser-**  
14 **vices or the Oregon Health Authority;**

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 completed  
25 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 and  
27 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 18 U.S.C. 925(c) or  
33 has had the person's record expunged under the laws of this state or equivalent laws of other ju-  
34 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

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

42 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
43 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
44 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
45 records check is necessary, the sheriff shall request the Department of State Police to conduct the

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

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

10 \_\_\_\_\_  
11  
12 APPLICATION FOR LICENSE TO CARRY  
13 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 resi-  
17 dency 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 Oregon Health Authority under ORS 426.130*] **been committed under ORS**  
30 **426.130 to either the Department of Human Services or the Oregon Health Authority**, nor  
31 have I been found mentally ill and presently subject to an order prohibiting me from purchasing or  
32 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I  
33 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or  
34 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued  
35 under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never  
36 received a dishonorable discharge from the Armed Forces of the United States. I am not required  
37 to register as a sex offender in any state. I understand I will be fingerprinted and 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 \_\_\_\_\_

Name	Address
_____	_____
Name	Address

24  
25  
26  
27  
28 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

29  
30 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)  
31 Date \_\_\_\_\_ Fee 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 en-  
42 gaged in the receipt and review of, or an investigation connected with, any application for, or in the  
43 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful  
44 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 the  
9 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 13.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is  
17 amended to read:

18 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
19 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
20 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

27 (c) Is a resident of the county;

28 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

45 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been

1 revoked; or

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

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

7 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
8 161.295, of a misdemeanor within the four years prior to the application;

9 *[(i) Has not been committed to the Oregon Health Authority under ORS 426.130;]*

10 **(i) Has not been committed under ORS 426.130 to either the Department of Human Ser-**  
11 **vices or the Oregon Health Authority;**

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

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

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

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

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

25 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
26 107.700 to 107.735 or 163.738;

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

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

29 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,  
30 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of  
31 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection  
32 (1)(g) to (L) of this section.

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

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

40 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
41 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
42 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
43 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
44 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
45 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records



1 check and may not keep any record of the fingerprints. The Department of State Police shall report  
2 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
3 Police shall also furnish the sheriff with any information about the applicant that the Department  
4 of State Police may have in its possession from its central bureau of criminal identification includ-  
5 ing, but not limited to, manual or computerized criminal offender information.

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

8 \_\_\_\_\_  
9  
10 APPLICATION FOR LICENSE TO CARRY  
11 CONCEALED HANDGUN

12 Date \_\_\_\_\_

13 I hereby declare as follows:

14 I am a citizen of the United States or a legal resident alien who can document continuous res-  
15 idency in the county for at least six months and have declared in writing to the United States Cit-  
16 izenship and Immigration Services my intention to become a citizen and can present proof of the  
17 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
18 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
19 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
20 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
21 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
22 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
23 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
24 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
25 volving controlled substances or completed a court-supervised drug diversion program. There are  
26 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
27 *[been committed to the Oregon Health Authority under ORS 426.130]* **been committed under ORS**  
28 **426.130 to either the Department of Human Services or the Oregon Health Authority**, nor  
29 have I been found mentally ill and presently subject to an order prohibiting me from purchasing or  
30 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I  
31 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or  
32 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records  
33 expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS  
34 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed  
35 Forces of the United States. I am not required to register as a sex offender in any state. I under-  
36 stand I will be fingerprinted and photographed.

37  
38 Legal name \_\_\_\_\_  
39 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
40 Place of birth \_\_\_\_\_  
41 Social Security number \_\_\_\_\_

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

44  
45 Proof of identification (Two pieces of current identification are required, one of which must bear a

1 photograph of the applicant. The type of identification and the number on the identification are to  
2 be filled in by the sheriff.):

3 1. \_\_\_\_\_

4 2. \_\_\_\_\_

5  
6 Height \_\_\_\_\_ Weight \_\_\_\_\_

7 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

8  
9 Current address \_\_\_\_\_

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

10  
11  
12  
13 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

14 Phone \_\_\_\_\_

15  
16 I have read the entire text of this application, and the statements therein are correct and true.  
17 (Making false statements on this application is a misdemeanor.)

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

20  
21 Character references.

_____	
Name	Address
_____	
Name	Address

22  
23  
24  
25  
26  
27 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

28  
29 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

30 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

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

33  
34 (5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

44 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff  
45 shall enter the applicant's name into the Law Enforcement Data System indicating that the person

1 is an applicant for a concealed handgun license or is a license holder.

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

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

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

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

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

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

15 **SECTION 14.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009,  
16 is amended to read:

17 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
18 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
19 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

26 (c) Is a resident of the county;

27 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

6 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
7 161.295, of a misdemeanor within the four years prior to the application;

8 *[(i) Has not been committed to the Oregon Health Authority under ORS 426.130;]*

9 **(i) Has not been committed under ORS 426.130 to either the Department of Human Ser-**  
10 **vices or the Oregon Health Authority;**

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

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

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

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

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

24 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
25 107.700 to 107.735 or 163.738;

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

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

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

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

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

38 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
39 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
40 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
41 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
42 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
43 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
44 check and may not keep any record of the fingerprints. The Department of State Police shall report  
45 the results of the fingerprint-based criminal records check to the sheriff. The Department of State

1 Police shall also furnish the sheriff with any information about the applicant that the Department  
2 of State Police may have in its possession from its central bureau of criminal identification includ-  
3 ing, but not limited to, manual or computerized criminal offender information.

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

6 \_\_\_\_\_  
7  
8 APPLICATION FOR LICENSE TO CARRY  
9 CONCEALED HANDGUN

10 Date \_\_\_\_\_

11 I hereby declare as follows:

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

34  
35 Legal name \_\_\_\_\_  
36 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
37 Place of birth \_\_\_\_\_  
38 Social Security number \_\_\_\_\_

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

41  
42 Proof of identification (Two pieces of current identification are required, one of which must bear a  
43 photograph of the applicant. The type of identification and the number on the identification are to  
44 be filled in by the sheriff.):

45 1. \_\_\_\_\_

1 2. \_\_\_\_\_

2

3 Height \_\_\_\_\_ Weight \_\_\_\_\_

4 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

5

6 Current address \_\_\_\_\_

7

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

8

9

10 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

11 Phone \_\_\_\_\_

12

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

15

\_\_\_\_\_  
(Signature of Applicant)

16

17

18 Character references.

19

\_\_\_\_\_

20

Name Address

21

\_\_\_\_\_

22

Name Address

23

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

25

26 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

27

Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

28

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

29

\_\_\_\_\_

30

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

32

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

33

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

34

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

35

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

37

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

41

42 (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  
43 is an applicant for a concealed handgun license or is a license holder.

44

45 (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

1 demonstrated need.

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

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

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

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

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

12 **SECTION 15.** ORS 131A.300 is amended to read:

13 131A.300. (1) A judgment forfeiting property shall recite the basis for the judgment.

14 (2) After entry of a judgment forfeiting property, the forfeiting agency may transfer good and  
15 sufficient title for the property to purchasers and other transferees, and the title shall be recognized  
16 by all courts and public bodies. Any public body whose official functions include the issuance of  
17 certificates of title or other evidence of title is immune from civil or criminal liability if the issuance  
18 is pursuant to a judgment of forfeiture.

19 (3) If real property is forfeited under a judgment forfeiting property, the forfeiting agency shall  
20 warrant the title of the property against constitutional defect. A warranty under this section is  
21 limited to the purchase price of the real property.

22 *[(4) Forfeiture counsel shall send a copy of each judgment entered in forfeiture proceedings, in-*  
23 *cluding ex parte judgments entered under ORS 131A.200, to the Asset Forfeiture Oversight Advisory*  
24 *Committee.]*

25 *[(5)]* (4) A forfeiting agency may apply to any circuit court judge for a writ of assistance di-  
26 recting the sheriff of the county to assist the forfeiting agency in seizing property identified in a  
27 judgment forfeiting property.

28 **SECTION 16.** ORS 131.588 is amended to read:

29 131.588. (1) If no financial institution has filed the affidavit described in ORS 131.579 (1), and if  
30 the court has failed to uphold the claim or affidavit of any other person claiming an interest in the  
31 property, the effect of the judgment is that:

32 (a) Title to the property passes to the seizing agency free of any interest or encumbrance  
33 thereon in favor of any person who has been given notice;

34 (b) The seizing agency may transfer good and sufficient title to any subsequent purchaser or  
35 transferee, and all courts, the state and the departments and agencies of this state, and any political  
36 subdivision shall recognize the title. In the case of real property, the seizing agency shall warrant  
37 the title against constitutional defect. A warranty under this paragraph is limited to the purchase  
38 price of the real property; and

39 (c) Any department, agency or officer of this state or any political subdivision whose official  
40 functions include the issuance of certificates or other evidence of title is immune from civil or  
41 criminal liability when such issuance is pursuant to a judgment of criminal forfeiture.

42 (2) If an affidavit is filed by a financial institution under ORS 131.579 (1), or if a person files an  
43 affidavit under ORS 131.579 (2):

44 (a) The court shall foreclose all security interests, liens and vendor's interests of financial in-  
45 stitutions and claimants as to which the court determines that there is a legal or equitable basis for

1 foreclosure; and

2 (b) All other interests applicable to the property that are not foreclosed or otherwise eliminated  
3 through a judgment of foreclosure, if and to the extent that they are valid and subsisting, remain  
4 in effect and the property remains subject to them upon completion of the criminal forfeiture pro-  
5 ceeding.

6 (3) Notwithstanding any other provision of law, if a financial institution or other person has  
7 filed an affidavit described in ORS 131.579, or if the court has upheld the claim of any claimant, then  
8 as to each item of property seized:

9 (a) If the court has determined that the property should not be forfeited and has not foreclosed  
10 the security interests, liens or other interests covering the property, the court shall render judgment  
11 in favor of the owner of the property, the property must be returned to the owner and all security  
12 interests, liens and other interests applicable to the property remain in effect as though the property  
13 had never been seized. If the property is a motor vehicle with a hidden compartment, the seizing  
14 agency is not liable for any diminution in the value of the property as a result of disabling the  
15 compartment. Upon the return of the property to the owner, the seizing agency shall pay all costs  
16 and expenses relating to towing and storage of the property and shall cause to be discharged any  
17 possessory chattel liens on the property arising under ORS 87.152 to 87.162 that have attached to  
18 the property since the seizure.

19 (b) If the court has determined that the property should not be forfeited and has foreclosed one  
20 or more interests covering the property, including security interests or liens covering the property  
21 or contracts for the transfer or conveyance of the property, the seizing agency shall pay all costs  
22 and expenses relating to towing and storage of the property and shall cause to be discharged any  
23 possessory chattel liens on the property arising under ORS 87.152 to 87.162 that have attached to  
24 the property since the seizure, and the court shall order the property sold pursuant to a sheriff's  
25 sale or other sale authorized by the court within such time as may be prescribed by the court fol-  
26 lowing entry of the judgment. If any interests covering the property have not been foreclosed, in-  
27 cluding any liens or security interests of a claimant whose claim has been upheld, or of a financial  
28 institution that has filed the affidavit described in ORS 131.579, the property must be sold subject  
29 to those interests. The judgment shall order the proceeds of the sale applied in the following order:

30 (A) To the payment of the costs of the sale;

31 (B) If the property is a motor vehicle with a hidden compartment, to reimburse the seizing  
32 agency for the cost of disabling the hidden compartment;

33 (C) To the satisfaction of the foreclosed liens, security interests and contracts in order of their  
34 priority; and

35 (D) The excess, if any, to the owner of the property.

36 (c) If the court has determined that the property should be forfeited and has foreclosed one or  
37 more security interests, liens, contracts or other interests covering the property, the seizing agency  
38 shall pay all costs and expenses relating to towing and storage of the property and shall cause to  
39 be discharged any possessory chattel liens on the property arising under ORS 87.152 to 87.162 that  
40 have attached to the property since the seizure, and the court shall order the property sold pursuant  
41 to a sheriff's sale or other sale authorized by the court. If any interest in the property was claimed  
42 by a financial institution or other claimant and the interest was upheld but not foreclosed, the  
43 property must be sold subject to the interest. The sale of the property must be held within such time  
44 as may be prescribed by the court following entry of the judgment. The judgment shall also order  
45 the proceeds of such sale applied in the following order:



1 (A) To the payment of the costs of the sale;

2 (B) If the property is a motor vehicle with a hidden compartment, to reimburse the seizing  
3 agency for the cost of disabling the hidden compartment;

4 (C) To the satisfaction of the foreclosed liens, security interests and contracts in the order of  
5 their priority; and

6 (D) The excess, if any, to the seizing agency to be disposed of as provided in ORS 131.594 or  
7 131.597.

8 (d) If the court has determined that the property should be forfeited and has not foreclosed the  
9 interests of any party in the property, the seizing agency shall pay all costs and expenses relating  
10 to towing and storage of the property and shall cause to be discharged any possessory chattel liens  
11 on the property arising under ORS 87.152 to 87.162 that have attached to the property since the  
12 seizure. The court shall enter a judgment awarding the property to the seizing agency, subject to  
13 the interests of any claimants whose claims or affidavits were upheld by the court, and subject to  
14 the interests of any financial institutions that filed affidavits under ORS 131.579 (1), that remain in  
15 full force and effect. If the property is a motor vehicle with a hidden compartment, the interests of  
16 any claimants or financial institutions shall be reduced on a pro rata basis by the cost of disabling  
17 the hidden compartment.

18 (4) Upon motion of the state, the court may include in the judgment of criminal forfeiture an  
19 order that directs the seizing agency to distribute to the victim of the crime of conviction a portion  
20 of any proceeds from property received by the seizing agency if the court included an order of  
21 restitution in the criminal judgment.

22 (5) The seizing agency is not liable to any person as a consequence of obedience to a judgment  
23 directing conveyance to a financial institution.

24 [(6) *The forfeiture counsel shall send a copy of the judgment to the Asset Forfeiture Oversight*  
25 *Advisory Committee.*]

26 [(7)(a)] (6)(a) On entry of judgment for a claimant in any proceeding to forfeit property under  
27 ORS 131.550 to 131.600, unless the court has foreclosed one or more security interests, liens or other  
28 interests covering the property, the property or interest in property must be returned or conveyed  
29 immediately to the claimant designated by the court.

30 (b) If it appears that there was reasonable suspicion that the property was subject to criminal  
31 forfeiture, the court shall cause a finding to be entered and no claimant or financial institution is  
32 entitled to damages nor is the person who made the seizure, the seizing agency or forfeiture counsel  
33 liable to suit or judgment on account of the seizure or action. An order directing seizure issued  
34 under ORS 131.561 constitutes a finding of reasonable suspicion that the property was subject to  
35 criminal forfeiture.

36 [(8)] (7) Except for deficiencies resulting from disabling a hidden compartment in a motor vehicle  
37 with a hidden compartment, nothing in this section prevents a claimant or financial institution from  
38 obtaining any deficiency to which the claimant or financial institution would otherwise be entitled.

39 [(9)] (8) Nothing in this section or in ORS 131.564 prevents a seizing agency from entering into  
40 an agreement with a claimant or other person for the reimbursement of the seizing agency for the  
41 costs and expenses relating to towing and storage of property or the cost of discharging any  
42 possessory chattel lien on the property arising under ORS 87.152 to 87.162 that attached to the  
43 property in the period between the seizure of the property and the release or criminal forfeiture of  
44 the property.

45 **SECTION 17. (1) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections**

1 **3, 6, 10 and 13 of this 2010 Act become operative on the date the rule described in section 13**  
2 **(1), chapter 826, Oregon Laws 2009, is adopted.**

3 **(2) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 4, 7, 11 and**  
4 **14 of this 2010 Act become operative on January 2, 2012.**

5 **SECTION 18. This 2010 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
7 **on its passage.**

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