

House Bill 2794

Sponsored by Representative THATCHER (Pre-session filed.)

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 **as introduced**.

Modifies authority of county sheriff related to issuance and revocation of concealed handgun license.

A BILL FOR AN ACT

1
2 Relating to concealed handgun licenses; amending ORS 166.293.

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

4 **SECTION 1.** ORS 166.293 is amended to read:

5 166.293. (1) If the application for the concealed handgun license is denied, the sheriff shall set
6 forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail,
7 restricted delivery, within 45 days after the application was made. If no decision is issued within
8 45 days, the person may seek review under the procedures in subsection (5) of this section.

9 (2) Notwithstanding ORS 166.291 (1), and subject to review as provided in subsection (5) of this
10 section, a sheriff may deny a concealed handgun license if the sheriff has reasonable grounds to
11 believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the
12 community at large, as a result of the applicant's mental or psychological state, *[or]* as demonstrated
13 by the applicant's past pattern of behavior involving unlawful violence or threats of unlawful vi-
14 olence.

15 (3)(a) Any act or condition that would prevent the issuance of a concealed handgun license is
16 cause for revoking a concealed handgun license.

17 (b) A sheriff may revoke a concealed handgun license by serving upon the licensee a notice of
18 revocation. The notice must contain the grounds for the revocation and must be served either per-
19 sonally or by certified mail, restricted delivery. The notice and return of service shall be included
20 in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

21 (4) Any peace officer or corrections officer may seize a concealed handgun license and return
22 it to the issuing sheriff if the license is held by a person who has been arrested or cited for a crime
23 that can or would otherwise disqualify the person from being issued a concealed handgun license.
24 The issuing sheriff shall hold the license for 30 days. If the person is not charged with a crime
25 within the 30 days, the sheriff shall return the license unless the sheriff revokes the license as
26 provided in subsection (3) of this section.

27 (5) A person denied a concealed handgun license or whose license is revoked or not renewed
28 under ORS 166.291 to 166.295 may petition the circuit court in the petitioner's county of residence
29 to review the denial, nonrenewal or revocation. The petition must be filed within 30 days after the
30 receipt of the notice of denial or revocation.

31 (6) The judgment affirming or overturning the sheriff's decision shall be based on whether the

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 petitioner meets the criteria that are used for issuance of a concealed handgun license and, if the
2 petitioner was denied a concealed handgun license, whether the sheriff has reasonable grounds for
3 denial under subsection (2) of this section. Whenever the petitioner has been previously sentenced
4 for a crime under ORS 161.610 or for a crime of violence for which the person could have received
5 a sentence of more than 10 years, the court shall grant relief only if the court finds that relief
6 should be granted in the interest of justice.

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

10 (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of
11 filing or as soon as practicable thereafter.

12 (9) Filing fees for actions shall be as for any civil action filed in the court. If the petitioner
13 prevails, the amount of the filing fee shall be paid by the respondent to the petitioner and may be
14 incorporated into the court order.

15 (10) Initial appeals of petitions shall be heard de novo.

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

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

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