

B-Engrossed
House Bill 2797

Ordered by the Senate June 13
Including House Amendments dated March 21 and Senate Amendments
dated June 13

Sponsored by Representatives THATCHER, G SMITH; Representative MATTHEWS (Presession 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.

Describes "readily accessible" for purpose of prohibition on possessing readily accessible, concealed handgun within vehicle, when vehicle is snowmobile, motorcycle or all-terrain vehicle.

Modifies offense of operating snowmobile or all-terrain vehicle while carrying firearm or bow.

Prohibits public body from disclosing information identifying person as current holder of, or applicant for, concealed handgun license.

Modifies provision under which person barred from possessing or purchasing firearm may file petition for relief from bar.

Prohibits concealed handgun licensee from possessing firearm on school grounds unless firearm is possessed in motor vehicle.

Directs Department of State Police to submit report on compliance with federal law related to criminal background checks for purposes related to firearms to interim committee related to judiciary no later than December 31, 2011.

Repeals provision authorizing peace officer to examine person in public building to determine whether firearm is loaded.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 166.250, 166.262, 166.274, 166.360,
3 166.370, 166.425 and 821.240; repealing ORS 166.380; and declaring an emergency.

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

5 **SECTION 1.** ORS 166.250, as amended by section 8a, chapter 826, Oregon Laws 2009, is
6 amended to read:

7 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
8 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits
9 the crime of unlawful possession of a firearm if the person knowingly:

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

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

13 (c) Possesses a firearm and:

14 (A) Is under 18 years of age;

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

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

20 (C) Has been convicted of a felony;

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

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

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

5 (2) This section does not prohibit:

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

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

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

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

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

19 (4)(a) Except as provided in [paragraph (b)] **paragraphs (b) and (c)** of this subsection, a
20 handgun is readily accessible within the meaning of this section if the handgun is within the pas-
21 senger compartment of the vehicle.

22 (b) If a vehicle, **other than a vehicle described in paragraph (c) of this subsection**, has no
23 storage location that is outside the passenger compartment of the vehicle, a handgun is not readily
24 accessible within the meaning of this section if:

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

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

29 **(c) If a vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not**
30 **readily accessible within the meaning of this section if:**

31 **(A) The handgun is in a locked container within or affixed to the vehicle; or**

32 **(B) The handgun is equipped with a trigger lock or other locking mechanism that pre-**
33 **vents the discharge of the firearm.**

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

35 **SECTION 2.** ORS 166.250, as amended by sections 8a and 11a, chapter 826, Oregon Laws 2009,
36 is 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, a person commits the crime of unlawful possession of a firearm
39 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 (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)] **paragraphs (b) and (c)** of this subsection, a
25 handgun is readily accessible within the meaning of this section if the handgun is within the pas-
26 senger compartment of the vehicle.

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

36 (A) **The handgun is in a locked container within or affixed to the vehicle; or**

37 (B) **The handgun is equipped with a trigger lock or other locking mechanism that pre-**
38 **vents the discharge of the firearm.**

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

40 **SECTION 3.** ORS 821.240 is amended to read:

41 821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle
42 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with
43 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all
44 arrows are in a quiver.

45 (2) **Subsection (1) of this section does not apply to a person who is licensed under ORS**

1 **166.291 and 166.292 to carry a concealed handgun.**

2 **(3) As used in this section, “unloaded” means:**

3 **(a) If the firearm is a revolver, that there is no live cartridge in the chamber that is**
4 **aligned with the hammer of the revolver;**

5 **(b) If the firearm is a muzzle-loading firearm, that the firearm is not capped or primed;**
6 **or**

7 **(c) If the firearm is other than a revolver or a muzzle-loading firearm, that there is no**
8 **live cartridge in the chamber.**

9 [(2)] (4) The offense described in this section, operating a snowmobile or an all-terrain vehicle
10 while carrying a firearm or bow, is a Class B traffic violation.

11 **SECTION 4. A public body as defined in ORS 192.410 may not disclose records or infor-**
12 **mation that identifies a person as a current holder of, or applicant for, a concealed handgun**
13 **license unless:**

14 **(1) The disclosure is made to another public body and is necessary for criminal justice**
15 **purposes;**

16 **(2) A court enters an order in a pending civil or criminal case directing the public body**
17 **to disclose the records or information; or**

18 **(3) The holder of, or applicant for, the concealed handgun license consents to the disclo-**
19 **sure.**

20 **SECTION 5.** ORS 166.274, as amended by section 19, chapter 826, Oregon Laws 2009, and sec-
21 tion 2, chapter 86, Oregon Laws 2010, is amended to read:

22 166.274. (1) **Except as provided in subsection (11) of this section,** a person barred from pos-
23 sessing or purchasing a firearm may file a petition for relief from the bar in accordance with sub-
24 section (2) of this section if:

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

27 (b) The person is barred from purchasing a firearm under ORS 166.470 (1)(a) [to (d) or (g)], **(b)**
28 **or (g).**

29 (2) A petition for relief described in this section must be filed in the circuit court in the
30 petitioner’s county of residence.

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

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

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

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

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

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

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

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

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

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

12 *[(9)]* (8) 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 *[(10)]* (9) Filing fees shall be as for any civil action filed in the court.

17 *[(11)(a)]* (10)(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 (11) **The court may not grant relief under this section to a person who:**

23 (a) **Has been convicted of a person felony, as that term is defined in the rules of the**
24 **Oregon Criminal Justice Commission, or the statutory counterpart to a person felony in any**
25 **other jurisdiction, if the offense involved the use of a firearm or a deadly weapon as defined**
26 **in ORS 161.015;**

27 (b) **Has been convicted of an offense listed in ORS 137.700 or the statutory counterpart**
28 **to an offense listed in ORS 137.700 in any other jurisdiction; or**

29 (c) **Is currently serving a felony sentence as defined in ORS 10.030 or has served a felony**
30 **sentence in the three-year period preceding the filing of the petition.**

31 **SECTION 6.** ORS 166.274, as amended by sections 19 and 20, chapter 826, Oregon Laws 2009,
32 and section 3, chapter 86, Oregon Laws 2010, is amended to read:

33 166.274. (1) **Except as provided in subsection (10) of this section,** a person barred from pos-
34 sessed a firearm under ORS 166.250 (1)(c)(A) or (C) to (E) or 166.270 or barred from purchasing a
35 firearm under ORS 166.470 (1)(a), **(b) or (e) to (g)** *[to (g)]* may file a petition for relief from the bar
36 in the circuit court in the petitioner's county of residence.

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

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

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

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

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

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

45 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of

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

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

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

18 [(8)] (7) Petitions filed under this section shall be heard and disposed of within 15 judicial days
19 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge
20 shall then make findings and conclusions and issue a judgment based on the findings and conclusions
21 in accordance with the requirements of law.

22 [(9)] (8) Filing fees shall be as for any civil action filed in the court.

23 [(10)(a)] (9)(a) Initial appeals of petitions shall be heard de novo.

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

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

28 (10) **The court may not grant relief under this section to a person who:**

29 (a) **Has been convicted of a person felony, as that term is defined in the rules of the**
30 **Oregon Criminal Justice Commission, or the statutory counterpart to a person felony in any**
31 **other jurisdiction, if the offense involved the use of a firearm or a deadly weapon as defined**
32 **in ORS 161.015;**

33 (b) **Has been convicted of an offense listed in ORS 137.700 or the statutory counterpart**
34 **to an offense listed in ORS 137.700 in any other jurisdiction; or**

35 (c) **Is currently serving a felony sentence as defined in ORS 10.030 or has served a felony**
36 **sentence in the three-year period preceding the filing of the petition.**

37 **SECTION 7.** ORS 166.370 is amended to read:

38 166.370. (1)(a) [Any] A person who intentionally possesses a [loaded or unloaded] firearm or any
39 other instrument used as a dangerous weapon, while in or on a public building, [shall upon conviction
40 be guilty of] **commits** a Class C felony.

41 (b) **A person who intentionally possesses a firearm or any other instrument used as a**
42 **dangerous weapon on school grounds commits a Class C felony.**

43 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
44 tionally possesses:

45 (A) A firearm in a court facility [is guilty, upon conviction, of] **commits** a Class C felony. A

1 person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law
2 enforcement officer.

3 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
4 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
5 to comply with this subparagraph *[is guilty, upon conviction, of]* **commits** a Class C felony.

6 (b) The presiding judge of a judicial district may enter an order permitting the possession of
7 specified weapons in a court facility.

8 (3) Subsection (1) of this section does not apply to:

9 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while
10 acting within the scope of employment.

11 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,
12 while the summoned person is engaged in assisting the officer.

13 (c) An active or reserve member of the military forces of this state or the United States, when
14 engaged in the performance of duty.

15 *[(d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.]*

16 *[(e)]* (d) A person who is authorized by the officer or agency that controls the public building
17 **or the school grounds** to possess a firearm or dangerous weapon in *[that]* **the public building or**
18 **on the school grounds.**

19 *[(f)]* (e) An employee of the United States Department of Agriculture, acting within the scope
20 of employment, who possesses a firearm in the course of the lawful taking of wildlife.

21 *[(g)]* (f) Possession of a firearm on school *[property]* **grounds** if the firearm[:]

22 *[(A)]* is possessed by a person who is not otherwise prohibited from possessing the firearm[:] and
23 **the firearm is:**

24 *[(B)]* (A) *[is]* Unloaded and locked in a motor vehicle; **or**

25 **(B) Possessed in a motor vehicle by a person who is licensed under ORS 166.291 and**
26 **166.292 to carry a concealed handgun.**

27 **(4) Subsection (1)(a) of this section does not apply to a person who is licensed under ORS**
28 **166.291 and 166.292 to carry a concealed handgun.**

29 *[(4)]* (5)(a) The exceptions listed in subsection (3)(b) to *[(g)]* (f) of this section constitute affir-
30 mative defenses to a charge of violating subsection (1) of this section.

31 **(b) The exception described in subsection (4) of this section constitutes an affirmative**
32 **defense to a charge of violating subsection (1)(a) of this section.**

33 *[(5)(a)]* (6)(a) *[Any]* A person who knowingly, or with reckless disregard for the safety of an-
34 other, discharges or attempts to discharge a firearm at a place that the person knows is *[a]* **on**
35 school *[shall upon conviction be guilty of]* **grounds commits** a Class C felony.

36 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

37 (A) As part of a program approved by a school in the school by an individual who is partic-
38 ipating in the program;

39 (B) By a law enforcement officer acting in the officer's official capacity; or

40 (C) By an employee of the United States Department of Agriculture, acting within the scope of
41 employment, in the course of the lawful taking of wildlife.

42 *[(6)]* (7) Any weapon carried in violation of this section is subject to the forfeiture provisions
43 of ORS 166.279.

44 *[(7)]* (8) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes
45 a violation of both subsections (1) and *[(5)]* (6) of this section, the district attorney may charge the

1 person with only one of the offenses.

2 [(8)] (9) As used in this section, “dangerous weapon” means a dangerous weapon as that term
3 is defined in ORS 161.015.

4 **SECTION 8.** ORS 166.360 is amended to read:

5 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

6 (1) “Capitol building” means the Capitol, the State Office Building, the State Library Building,
7 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or
8 the Public Service Building and includes any new buildings which may be constructed on the same
9 grounds as an addition to the group of buildings listed in this subsection.

10 (2) “Court facility” means a courthouse or that portion of any other building occupied by a
11 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by
12 personnel related to the operations of those courts, or in which activities related to the operations
13 of those courts take place.

14 [(3) “Loaded firearm” means:]

15 [(a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to
16 the firearm including but not limited to, in a chamber, magazine or clip which is attached to the
17 firearm.]

18 [(b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot
19 or projectile in the barrel or cylinder.]

20 [(4)] (3) “Public building” means a hospital, a capitol building, [*a public or private school, as*
21 *defined in ORS 339.315, a college or university,*] a city hall or the residence of any state official
22 elected by the state at large, and the grounds adjacent to each such building. The term also includes
23 that portion of any other building occupied by an agency of the state or a municipal corporation,
24 as defined in ORS 297.405, other than a court facility.

25 (4) **“School grounds” means the buildings that compose a community college, college,**
26 **university or a school as defined in ORS 339.315, and the grounds adjacent to each such**
27 **building.**

28 [(5)] (5) “Weapon” means:

29 (a) A firearm;

30 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife
31 other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

32 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

33 (d) An electrical stun gun or any similar instrument;

34 (e) A tear gas weapon as defined in ORS 163.211;

35 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
36 similar instrument, the use of which could inflict injury upon a person or property; or

37 (g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

38 **SECTION 9.** ORS 166.262 is amended to read:

39 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
40 (b) or 166.370 (1)(a) if the person has in the person’s immediate possession a valid license to carry
41 a firearm as provided in ORS 166.291 and 166.292.

42 **SECTION 10.** ORS 166.425 is amended to read:

43 166.425. (1) A person commits the crime of unlawfully purchasing a firearm if the person,
44 knowing that the person is prohibited by state [*or federal*] law from owning or possessing the firearm
45 or having the firearm under the person’s custody or control, purchases or attempts to purchase the

1 firearm.

2 (2) Unlawfully purchasing a firearm is a Class A misdemeanor.

3 **SECTION 11.** No later than December 31, 2011, the Department of State Police shall
4 submit a report to the interim committee related to the judiciary that describes the State
5 of Oregon's compliance with the National Instant Criminal Background Check System Im-
6 provement Amendments Act of 2007 (P.L. 110-180). The report must include a description of
7 the rate at which the State of Oregon is providing the United States Attorney General re-
8 cords relevant to a determination of whether a person is disqualified from possessing or re-
9 ceiving a firearm under federal or state law.

10 **SECTION 12.** Section 11 of this 2011 Act is repealed on January 2, 2012.

11 **SECTION 13.** ORS 166.380 is repealed.

12 **SECTION 14.** The amendments to ORS 166.250, 166.262, 166.370, 166.425 and 821.240 by
13 sections 1 to 3, 7, 9 and 10 of this 2011 Act apply to conduct occurring on or after the effec-
14 tive date of this 2011 Act.

15 **SECTION 15.** This 2011 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
17 on its passage.

18