

House Bill 3003

Sponsored by Representative KRIEGER; Representative BARKER (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**.

Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license.

Requires county sheriff to perform criminal history check with National Instant Criminal Background Check System before issuing concealed handgun license.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.291, 166.412 and 166.438.

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

4 **SECTION 1.** ORS 166.412 is amended to read:

5 166.412. (1) As used in this section:

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

7 (b) "Department" means the Department of State Police;

8 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
9 an antique firearm;

10 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
11 921 to 929;

12 (e) "Firearms transaction thumbprint form" means a form provided by the department under
13 subsection (11) of this section;

14 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
15 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
16 otherwise;

17 (g) "Handgun" has the meaning given that term in ORS 166.210; and

18 (h) "Purchaser" means a person who buys, leases or otherwise receives a firearm from a gun
19 dealer.

20 (2) Except as provided in subsections (3)(c), *[and]* (12) **and** (13) of this section, a gun dealer shall
21 comply with the following before a handgun is delivered to a purchaser:

22 (a) The purchaser shall present to the dealer current identification meeting the requirements
23 of subsection (4) of this section.

24 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
25 the purchaser on the record.

26 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction
27 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
28 be filed with that copy.

29 (d) The gun dealer shall request by telephone that the department conduct a criminal history
30 record check on the purchaser and shall provide the following information to the department:

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 (A) The federal firearms license number of the gun dealer;
- 2 (B) The business name of the gun dealer;
- 3 (C) The place of transfer;
- 4 (D) The name of the person making the transfer;
- 5 (E) The make, model, caliber and manufacturer's number of the handgun being transferred;
- 6 (F) The name and date of birth of the purchaser;
- 7 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
- 8 number to the gun dealer; and
- 9 (H) The type, issuer and identification number of the identification presented by the purchaser.
- 10 (e) The gun dealer shall receive a unique approval number for the transfer from the department
- 11 and record the approval number on the firearms transaction record and on the firearms transaction
- 12 thumbprint form.
- 13 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
- 14 completion of the firearms transaction thumbprint form.
- 15 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
- 16 partment shall immediately, during the gun dealer's telephone call or by return call:
- 17 (A) Determine, from criminal records and other information available to it, whether the pur-
- 18 chaser is disqualified under ORS 166.470 from completing the purchase; and
- 19 (B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide
- 20 the dealer with a unique approval number indicating that the purchaser is qualified to complete the
- 21 transfer.
- 22 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
- 23 completing the transfer within 30 minutes, the department shall notify the dealer and provide the
- 24 dealer with an estimate of the time when the department will provide the requested information.
- 25 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
- 26 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close
- 27 of the gun dealer's next business day following the request by the dealer for a criminal history re-
- 28 cord check, the dealer may deliver the handgun to the purchaser.
- 29 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include
- 30 one piece of current identification bearing a photograph and the date of birth of the purchaser that:
- 31 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
- 32 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
- 33 tional governmental organization or an international quasi-governmental organization; and
- 34 (B) Is intended to be used for identification of an individual or is commonly accepted for the
- 35 purpose of identification of an individual.
- 36 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
- 37 not include the current address of the purchaser, the purchaser shall present a second piece of
- 38 current identification that contains the current address of the purchaser. The Superintendent of
- 39 State Police may specify by rule the type of identification that may be presented under this para-
- 40 graph.
- 41 (c) The department may require that the dealer verify the identification of the purchaser if that
- 42 identity is in question by sending the thumbprints of the purchaser to the department.
- 43 (5) The department shall establish a telephone number that shall be operational seven days a
- 44 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from
- 45 dealers for a criminal history record check under this section.

1 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
 2 the investigations required by this section provided the employee, official or agency acts in good
 3 faith and without malice.

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

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

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

11 (9) When a handgun is delivered, it shall be unloaded.

12 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State
 13 Police may adopt rules necessary for:

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

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

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

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

19 (11) The department shall publish the firearms transaction thumbprint form and shall furnish the
 20 form to gun dealers on application at cost.

21 (12) This section does not apply to transactions between persons licensed as dealers under 18
 22 U.S.C. 923.

23 **(13) Subsection (2)(d) and (e) of this section does not apply if the purchaser is licensed**
 24 **under ORS 166.291 and 166.292 to carry a concealed handgun.**

25 **SECTION 2.** ORS 166.438 is amended to read:

26 166.438. (1) A transferor other than a gun dealer may not transfer a firearm at a gun show un-
 27 less the transferor:

28 (a)(A) Requests a criminal background check under ORS 166.436 prior to completing the trans-
 29 fer;

30 (B) Receives notification that the recipient is qualified to complete the transfer; and

31 (C) Has the recipient complete the form described in ORS 166.441; or

32 (b) Completes the transfer through a gun dealer.

33 (2) The transferor shall retain the completed form referred to in subsection (1) of this section
 34 for at least five years and shall make the completed form available to law enforcement agencies for
 35 the purpose of criminal investigations.

36 (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice
 37 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the
 38 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

39 (4)(a) Subsection (1) of this section does not apply if the [*transferee*] **recipient** is licensed as a
 40 dealer under 18 U.S.C. 923.

41 **(b) Subsection (1)(a)(A) and (B) of this section does not apply if the recipient is licensed**
 42 **under ORS 166.291 and 166.292 to carry a concealed handgun.**

43 (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a
 44 Class A misdemeanor.

45 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements

1 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous
 2 convictions under this section.

3 (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that
 4 the person did not know, or reasonably could not know, that more than 25 firearms were at the site
 5 and available for transfer.

6 **SECTION 3.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is amended
 7 to read:

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

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

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

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

17 (c) Is a resident of the county;

18 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

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

44 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

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

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

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

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

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

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

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

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

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

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

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

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

28 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 29 shall fingerprint and photograph the applicant and *[shall conduct any investigation necessary to cor-*
 30 *roborate the requirements listed under subsection (1) of this section. If a nationwide criminal records*
 31 *check is necessary, the sheriff]* shall request the Department of State Police to conduct *[the]* a
 32 **criminal records check***[, including fingerprint identification, through]* **utilizing the National In-**
 33 **stant Criminal Background Check System described in 18 U.S.C. 922 or another similar sys-**
 34 **tem operated by the Federal Bureau of Investigation. If fingerprint identification is necessary,**
 35 **the Department of State Police shall provide the applicant's fingerprints to the Federal Bu-**
 36 **reau of Investigation.** The Federal Bureau of Investigation shall return the fingerprint cards used
 37 to conduct the criminal records check and may not keep any record of the fingerprints. The De-
 38 partment of State Police shall report the results of the *[fingerprint-based]* criminal records check to
 39 the sheriff*]. The Department of State Police shall also]* **and shall** furnish the sheriff with any infor-
 40 mation about the applicant that the Department of State Police may have in its possession from its
 41 central bureau of criminal identification including, but not limited to, manual or computerized
 42 criminal offender information. **The sheriff may conduct any additional investigation necessary**
 43 **to corroborate the requirements listed under subsection (1) of this section.**

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

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APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

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

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

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

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

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____

1 Current address _____

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

5 City _____ County _____ Zip _____

6 Phone _____

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

(Signature of Applicant)

13 Character references.

Name	Address

Name	Address

19 Approved _____ Disapproved _____ by _____

21 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

22 Date _____ Fee Paid _____

23 License No. _____

- 26 (5)(a) Fees for concealed handgun licenses are:
 - 27 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - 28 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - 29 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- 30 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
 - 31 the concealed handgun license.
- 32 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
 - 33 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
 - 34 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
 - 35 performance of duties under those sections.
- 36 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
 - 37 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
 - 38 is an applicant for a concealed handgun license or is a license holder.
- 39 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
 - 40 for a resident of a contiguous state who has a compelling business interest or other legitimate
 - 41 demonstrated need.
- 42 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
 - 43 person:
 - 44 (a) Has a current Oregon driver license issued to the person showing a residence address in the
 - 45 county;

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

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

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

7 **SECTION 4.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009, is
8 amended to read:

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

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

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

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

18 (c) Is a resident of the county;

19 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

43 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
44 161.295, of a misdemeanor within the four years prior to the application;

45 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

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

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

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

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

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

14 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
 15 107.700 to 107.735 or 163.738;

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

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

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

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

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

28 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 29 shall fingerprint and photograph the applicant and *[shall conduct any investigation necessary to cor-*
 30 *roborate the requirements listed under subsection (1) of this section. If a nationwide criminal records*
 31 *check is necessary, the sheriff]* shall request the Department of State Police to conduct *[the]* a
 32 **criminal records check***[, including fingerprint identification, through]* **utilizing the National In-**
 33 **stant Criminal Background Check System described in 18 U.S.C. 922 or another similar sys-**
 34 **tem operated by the Federal Bureau of Investigation. If fingerprint identification is necessary,**
 35 **the Department of State Police shall provide the applicant's fingerprints to the Federal Bu-**
 36 **reau of Investigation.** The Federal Bureau of Investigation shall return the fingerprint cards used
 37 to conduct the criminal records check and may not keep any record of the fingerprints. The De-
 38 partment of State Police shall report the results of the *[fingerprint-based]* criminal records check to
 39 the sheriff*]. The Department of State Police shall also]* **and shall** furnish the sheriff with any infor-
 40 mation about the applicant that the Department of State Police may have in its possession from its
 41 central bureau of criminal identification including, but not limited to, manual or computerized
 42 criminal offender information. **The sheriff may conduct any additional investigation necessary**
 43 **to corroborate the requirements listed in subsection (1) of this section.**

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

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APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

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

Legal name _____

Age _____ Date of birth _____

Place of birth _____

Social Security number _____

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

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

1. _____

2. _____

Height _____ Weight _____

Hair color _____ Eye color _____

Current address _____

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

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City _____ County _____ Zip _____
Phone _____

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

(Signature of Applicant)

Character references.

Name	Address

Approved _____ Disapproved _____ by _____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)

Date _____ Fee Paid _____

License No. _____

- (5)(a) Fees for concealed handgun licenses are:
 - (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- (b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- (6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.
- (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.
- (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:
 - (a) Has a current Oregon driver license issued to the person showing a residence address in the county;
 - (b) Is registered to vote in the county and has a memorandum card issued to the person under

1 ORS 247.181 showing a residence address in the county;

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

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

6 **SECTION 5. The amendments to ORS 166.412, 166.438 and 161.291 by sections 1 to 4 of this**
7 **2011 Act apply to concealed handgun licenses issued on or after the effective date of this 2011**
8 **Act.**

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