

# House Bill 3492

Sponsored by Representative CONGER; Representatives BREWER, FREEMAN, HUFFMAN, JENSON, JOHNSON, MCLANE, PARRISH, SHEEHAN, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD, Senators OLSEN, TELFER, THOMSEN

## 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**.

Requires county sheriff to waive age requirement for obtaining concealed handgun license for military veterans and persons currently serving in military.

## A BILL FOR AN ACT

1  
2 Relating to concealed handgun licenses; creating new provisions; and amending ORS 166.291.

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

4 **SECTION 1.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is amended  
5 to read:

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

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

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

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

15 (c) Is a resident of the county;

16 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

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

26 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
 27 107.700 to 107.735 or 163.738;

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

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

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

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

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

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

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

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

10  
11 APPLICATION FOR LICENSE TO CARRY  
12 CONCEALED HANDGUN

13 Date \_\_\_\_\_

14 I hereby declare as follows:

15 I am a citizen of the United States or a legal resident alien who can document continuous res-  
16 idency in the county for at least six months and have declared in writing to the United States Cit-  
17 izenship and Immigration Services my intention to become a citizen and can present proof of the  
18 written declaration to the sheriff at the time of this application. I am at least 21 years of age, **an**  
19 **active member of the Armed Forces of the United States or a veteran as defined in ORS**  
20 **408.225**. I have been discharged from the jurisdiction of the juvenile court for more than four years  
21 if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed  
22 an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence,  
23 as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for in-  
24 sanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the  
25 last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS  
26 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of  
27 an offense involving controlled substances or completed a court-supervised drug diversion program.  
28 There are no outstanding warrants for my arrest and I am not free on any form of pretrial release.  
29 I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been  
30 found mentally ill and presently subject to an order prohibiting me from purchasing or possessing  
31 a firearm because of mental illness. If any of the previous conditions do apply to me, I have been  
32 granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or sec-  
33 tion 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am  
34 not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to  
35 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the  
36 United States. I am not required to register as a sex offender in any state. I understand I will be  
37 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.)  
45

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:

4 (a) **Shall waive the age requirement in subsection (1)(b) of this section for an active**  
 5 **member of the Armed Forces of the United States or a veteran as defined in ORS 408.225;**  
 6 **and**

7 (b) May waive the residency requirement in subsection (1)(c) of this section for a resident of a  
 8 contiguous state who has a compelling business interest or other legitimate demonstrated need.

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

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

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

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

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

19 **SECTION 2.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009, is  
 20 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 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that  
 14 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

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

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

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

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

26 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
 27 107.700 to 107.735 or 163.738;

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

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

30 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or  
 31 has had the person's record expunged under the laws of this state or equivalent laws of other ju-  
 32 risdictions is not subject to the disabilities in subsection (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, **an**  
18 **active member of the Armed Forces of the United States or a veteran as defined in ORS**  
19 **408.225**. I have been discharged from the jurisdiction of the juvenile court for more than four years  
20 if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed  
21 an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence,  
22 as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for in-  
23 sanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the  
24 last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS  
25 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of  
26 an offense involving controlled substances or completed a court-supervised drug diversion program.  
27 There are no outstanding warrants for my arrest and I am not free on any form of pretrial release.  
28 I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been  
29 found mentally ill and presently subject to an order prohibiting me from purchasing or possessing  
30 a firearm because of mental illness. If any of the previous conditions do apply to me, I have been  
31 granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or 18  
32 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS  
33 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received  
34 a dishonorable discharge from the Armed Forces of the United States. I am not required to register  
35 as a sex offender in any state. I understand I will be fingerprinted and photographed.

36  
37 Legal name \_\_\_\_\_  
38 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
39 Place of birth \_\_\_\_\_  
40 Social Security number \_\_\_\_\_

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

43  
44 Proof of identification (Two pieces of current identification are required, one of which must bear a  
45 photograph of the applicant. The type of identification and the number on the identification are to

1 be filled in by the sheriff.):

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

3 2. \_\_\_\_\_

4

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

6 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

7

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

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

9

10

11 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

12 Phone \_\_\_\_\_

13

14 I have read the entire text of this application, and the statements therein are correct and true.

15 (Making false statements on this application is a misdemeanor.)

16

17

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

18

19 Character references.

20

21 \_\_\_\_\_

22 Name Address

23 \_\_\_\_\_

24 Name Address

25 \_\_\_\_\_

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

27

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

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

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

31

- 32
- 33 (5)(a) Fees for concealed handgun licenses are:
- 34 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
- 35 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
- 36 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- 37 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
- 38 the concealed handgun license.
- 39 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
- 40 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
- 41 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
- 42 performance of duties under those sections.
- 43 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
- 44 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
- 45 is an applicant for a concealed handgun license or is a license holder.



1 (8) The county sheriff:

2 (a) **Shall waive the age requirement in subsection (1)(b) of this section for an active**  
3 **member of the Armed Forces of the United States or a veteran as defined in ORS 408.225;**  
4 **and**

5 (b) May waive the residency requirement in subsection (1)(c) of this section for a resident of a  
6 contiguous state who has a compelling business interest or other legitimate demonstrated need.

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

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

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

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

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

17 **SECTION 3. The amendments to ORS 166.291 by sections 1 and 2 of this 2011 Act apply**  
18 **to applications for a concealed handgun license made on or after the effective date of this**  
19 **2011 Act.**

20 \_\_\_\_\_