

HB 4045-A33
(LC 87)
2/22/12 (JN/ps)

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4045**

1 Delete lines 5 through 23 of the printed A-engrossed bill and insert:

2 **“SECTION 1. Section 2 of this 2012 Act is added to and made a part**
3 **of ORS 192.410 to 192.505.**

4 **“SECTION 2. (1) A public body may not disclose records or infor-**
5 **mation that identifies a person as a current or former holder of, or**
6 **applicant for, a concealed handgun license, unless:**

7 **“(a) The disclosure is made to another public body and is necessary**
8 **for criminal justice purposes;**

9 **“(b) A court enters an order in a criminal or civil case directing the**
10 **public body to disclose the records or information;**

11 **“(c) The holder of, or applicant for, the concealed handgun license**
12 **consents to the disclosure in writing;**

13 **“(d) The public body determines that a compelling public interest**
14 **requires disclosure in the particular instance and the disclosure is**
15 **limited to the name, age and county of residence of the holder or ap-**
16 **plicant;**

17 **“(e)(A) The disclosure is limited to confirming or denying that a**
18 **person convicted of a person crime, or restrained by a protective order,**
19 **is a current holder of a concealed handgun license; and**

20 **“(B) The disclosure is made to a victim of the person crime or to**
21 **a person who is protected by the protective order, in response to a**
22 **request for disclosure that provides the public body with the name and**

1 age of the person convicted of the person crime or restrained by the
2 protective order;

3 “(f)(A) The disclosure is limited to confirming or denying that a
4 person convicted of a crime involving the use or possession of a
5 firearm is a current holder of a concealed handgun license; and

6 “(B) The disclosure is made to a bona fide representative of the
7 news media in response to a request for disclosure that provides the
8 name and age of the person convicted of the crime involving the use
9 or possession of a firearm; or

10 “(g) The disclosure is made by the Department of State Police and
11 results from access to the Law Enforcement Data System, or to other
12 similar databases, that the department provides to other public bodies.

13 “(2) A public body may not confirm or deny that a person described
14 in subsection (1)(e)(A) or (f)(A) of this section is a current holder of
15 a concealed handgun license unless the person seeking disclosure:

16 “(a) Under subsection (1)(e) of this section provides the public body
17 with written proof that the person is a victim of the person crime or
18 is protected by the protective order.

19 “(b) Under subsection (1)(f) of this section provides the public body
20 with written proof that the person is a bona fide representative of the
21 news media.

22 “(3) Notwithstanding any other provision of law, a public body that
23 receives a request for disclosure under subsection (1)(e) or (f) of this
24 section may conduct an investigation, including a criminal records
25 check, to determine whether a person described in subsection (1)(e)(A)
26 or (f)(A) of this section has been convicted of a person crime or a
27 crime involving the use or possession of a firearm or is restrained by
28 a protective order.

29 “(4) The Attorney General shall adopt rules to carry out the pro-
30 visions of this section. The rules must include a description of:

1 “(a) The procedures for submitting the written request described in
2 subsection (1)(d) of this section; and

3 “(b) The materials an individual must provide to the public body to
4 establish a compelling public interest that supports the disclosure of
5 the name, age and county of residence of the holder or applicant.

6 “(5) The prohibition described in subsection (1) of this section does
7 not apply to the Judicial Department.

8 “(6) As used in this section:

9 “(a) ‘Convicted’ does not include a conviction that has been re-
10 versed, vacated or set aside or a conviction for which the person has
11 been pardoned.

12 “(b) ‘Person crime’ means a person felony or person Class A
13 misdemeanor, as those terms are defined in the rules of the Oregon
14 Criminal Justice Commission, or any other crime constituting domes-
15 tic violence, as defined in ORS 135.230.

16 “(c) ‘Protective order’ has the meaning given that term in ORS
17 135.886.

18 “(d) ‘Victim’ has the meaning given that term in ORS 131.007.

19 “SECTION 3. Section 2 of this 2012 Act applies to public records
20 requests made:

21 “(1) Before the effective date of this 2012 Act, if the public body has
22 not responded to the request as of the effective date of this 2012 Act;
23 and

24 “(2) On or after the effective date of this 2012 Act.

25 “SECTION 4. The amendments to section 2 of this 2012 Act by sec-
26 tion 5 of this 2012 Act become operative on January 1, 2013.

27 “SECTION 5. Section 2 of this 2012 Act is amended to read:

28 “Sec. 2. (1) A public body may not disclose records or information that
29 identifies a person as a current or former holder of, or applicant for, a con-
30 cealed handgun license, unless:

1 “(a) The disclosure is made to another public body and is necessary for
2 criminal justice purposes;

3 “(b) A court enters an order in a criminal or civil case directing the
4 public body to disclose the records or information;

5 “(c) The holder of, or applicant for, the concealed handgun license con-
6 sents to the disclosure in writing;

7 “(d) The public body determines that a compelling public interest requires
8 disclosure in the particular instance and the disclosure is limited to the
9 name, age and county of residence of the holder or applicant;

10 “(e)(A) The disclosure is limited to confirming or denying that a person
11 convicted of a person crime, or restrained by a protective order, is a current
12 holder of a concealed handgun license; and

13 “(B) The disclosure is made to a victim of the person crime or to a person
14 who is protected by the protective order, in response to a request for dis-
15 closure that provides the public body with the name and age of the person
16 convicted of the person crime or restrained by the protective order; or

17 “(f)(A) The disclosure is limited to confirming or denying that a person
18 convicted of a crime involving the use or possession of a firearm is a current
19 holder of a concealed handgun license; and

20 “(B) The disclosure is made to a bona fide representative of the news
21 media in response to a request for disclosure that provides the name and age
22 of the person convicted of the crime involving the use or possession of a
23 firearm.[: or]

24 “[(g) *The disclosure is made by the Department of State Police and results*
25 *from access to the Law Enforcement Data System, or to other similar data-*
26 *bases, that the department provides to other public bodies.]*

27 “(2) A public body may not confirm or deny that a person described in
28 subsection (1)(e)(A) or (f)(A) of this section is a current holder of a concealed
29 handgun license unless the person seeking disclosure:

30 “(a) Under subsection (1)(e) of this section provides the public body with

1 written proof that the person is a victim of the person crime or is protected
2 by the protective order.

3 “(b) Under subsection (1)(f) of this section provides the public body with
4 written proof that the person is a bona fide representative of the news media.

5 “(3) Notwithstanding any other provision of law, a public body that re-
6 ceives a request for disclosure under subsection (1)(e) or (f) of this section
7 may conduct an investigation, including a criminal records check, to deter-
8 mine whether a person described in subsection (1)(e)(A) or (f)(A) of this sec-
9 tion has been convicted of a person crime or a crime involving the use or
10 possession of a firearm or is restrained by a protective order.

11 “(4) The Attorney General shall adopt rules to carry out the provisions
12 of this section. The rules must include a description of:

13 “(a) The procedures for submitting the written request described in sub-
14 section (1)(d) of this section; and

15 “(b) The materials an individual must provide to the public body to es-
16 tablish a compelling public interest that supports the disclosure of the name,
17 age and county of residence of the holder or applicant.

18 “(5) The prohibition described in subsection (1) of this section does not
19 apply to the Judicial Department.

20 “(6) As used in this section:

21 “(a) ‘Convicted’ does not include a conviction that has been reversed,
22 vacated or set aside or a conviction for which the person has been pardoned.

23 “(b) ‘Person crime’ means a person felony or person Class A misdemeanor,
24 as those terms are defined in the rules of the Oregon Criminal Justice
25 Commission, or any other crime constituting domestic violence, as defined
26 in ORS 135.230.

27 “(c) ‘Protective order’ has the meaning given that term in ORS 135.886.

28 “(d) ‘Victim’ has the meaning given that term in ORS 131.007.

29 **“SECTION 6. This 2012 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2012 Act takes effect on its passage.”.**

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