

House Bill 4045

Sponsored by Representatives THATCHER, BARKER; Representatives CLEM, FREEMAN, MATTHEWS, MCLANE, SCHAUFLER, WHISNANT (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 **as introduced**.

Authorizes person applying for concealed handgun license to limit ability of public body to disclose records or information that identifies person as applicant for, or holder of, concealed handgun license.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the public disclosure of concealed handgun license information; creating new provisions; amending ORS 166.291; and declaring an emergency.

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

SECTION 1. If an applicant for a concealed handgun license requests confidentiality in accordance with ORS 166.291 (4), a public body as defined in ORS 192.410 may not disclose records or information that identifies the person as a current or former applicant for, or holder of, a concealed handgun license, unless:

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

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

(3) The holder of, or applicant for, the concealed handgun license consents to the disclosure in writing.

SECTION 2. ORS 166.291 is amended to read:

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

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

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

(b) Is at least 21 years of age;

(c) Is a resident of the county;

(d) Has no outstanding warrants for arrest;

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

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

(A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component

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 of the course;

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

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

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

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

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

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

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

20 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
21 161.295, of a misdemeanor within the four years prior to the application;

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

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

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

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

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

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

36 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
37 107.700 to 107.735 or 163.738;

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

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

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

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

45 (a) The application must state the applicant's legal name, current address and telephone number,

1 date and place of birth, hair and eye color and height and weight. The application must also list the
 2 applicant's residence address or addresses for the previous three years. The application must contain
 3 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
 4 section. The application may include the Social Security number of the applicant if the applicant
 5 voluntarily provides this number. The application must be signed by the applicant.

6 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 7 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 8 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 9 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 10 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 11 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 12 check and may not keep any record of the fingerprints. The Department of State Police shall report
 13 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 14 Police shall also furnish the sheriff with any information about the applicant that the Department
 15 of State Police may have in its possession including, but not limited to, manual or computerized
 16 criminal offender information.

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

20
 21 APPLICATION FOR LICENSE TO CARRY
 22 CONCEALED HANDGUN

23 Date_____

24 I hereby declare as follows:

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

1 photographed.

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3 Legal name _____

4 Age _____ Date of birth _____

5 Place of birth _____

6 Social Security number _____

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

9

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

13 1. _____

14 2. _____

15

16 Height _____ Weight _____

17 Hair color _____ Eye color _____

18

19 Current address _____

20

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

21

22

23 City _____ County _____ Zip _____

24 Phone _____

25

26 **PRIVACY NOTICE: Unless you indicate otherwise, your status as an applicant for, or a**
27 **holder of, a concealed handgun license may be subject to public disclosure under Oregon law.**
28 **If you request confidentiality by marking "Yes" below, your status as an applicant for, or a**
29 **holder of, a concealed handgun license may be disclosed by a public body only if the disclo-**
30 **sure is necessary for criminal justice purposes, is made in response to a court order or is**
31 **made with your written permission.**

32

33 **I am requesting that my status as an applicant for, or a holder of, a concealed handgun li-**
34 **cence remain confidential:**

35

36 _____ **Yes** _____ **No** **(Check one)**

37

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

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41 _____
(Signature of Applicant)

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43 Character references.

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Name Address

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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 ORS 247.181 showing a residence address in the county;
- (c) Has documentation showing that the person currently leases or owns real property in the county; or
- (d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.

SECTION 3. ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is amended to read:

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

- (a)(A) Is a citizen of the United States; or
- (B) Is a legal resident alien who can document continuous residency in the county for at least six months and has declared in writing to the United States Citizenship and Immigration Services the intent to acquire citizenship status and can present proof of the written declaration to the

- 1 sheriff at the time of application for the license;
- 2 (b) Is at least 21 years of age;
- 3 (c) Is a resident of the county;
- 4 (d) Has no outstanding warrants for arrest;
- 5 (e) Is not free on any form of pretrial release;
- 6 (f) Demonstrates competence with a handgun by any one of the following:
- 7 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
- 8 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
- 9 of the course;
- 10 (B) Completion of any National Rifle Association firearms safety or training course if handgun
- 11 safety was a component of the course;
- 12 (C) Completion of any firearms safety or training course or class available to the general public
- 13 offered by law enforcement, community college, or private or public institution or organization or
- 14 firearms training school utilizing instructors certified by the National Rifle Association or a law
- 15 enforcement agency if handgun safety was a component of the course;
- 16 (D) Completion of any law enforcement firearms safety or training course or class offered for
- 17 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
- 18 cers if handgun safety was a component of the course;
- 19 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
- 20 ized shooting competition or military service;
- 21 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
- 22 revoked; or
- 23 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
- 24 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
- 25 was a component of the course;
- 26 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
- 27 of a felony;
- 28 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
- 29 161.295, of a misdemeanor within the four years prior to the application;
- 30 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;
- 31 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
- 32 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
- 33 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
- 34 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
- 35 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
- 36 volving violence, as defined in ORS 166.470;
- 37 (L) Has not been convicted of an offense involving controlled substances or participated in a
- 38 court-supervised drug diversion program, except this disability does not operate to exclude a person
- 39 if:
- 40 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
- 41 a court-supervised drug diversion program under ORS 135.907; or
- 42 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
- 43 has not been convicted of violating ORS 475.864 (3);
- 44 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
- 45 107.700 to 107.735 or 163.738;

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

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

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

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

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

13 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
14 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
15 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
16 records check is necessary, the sheriff shall request the Department of State Police to conduct the
17 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
18 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
19 check and may not keep any record of the fingerprints. The Department of State Police shall report
20 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
21 Police shall also furnish the sheriff with any information about the applicant that the Department
22 of State Police may have in its possession including, but not limited to, manual or computerized
23 criminal offender information.

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

26 _____
27
28 APPLICATION FOR LICENSE TO CARRY
29 CONCEALED HANDGUN

30 Date _____

31 I hereby declare as follows:

32 I am a citizen of the United States or a legal resident alien who can document continuous res-
33 idency in the county for at least six months and have declared in writing to the United States Cit-
34 izenship and Immigration Services my intention to become a citizen and can present proof of the
35 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
36 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
37 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
38 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
39 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
40 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
41 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
42 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
43 volving controlled substances or completed a court-supervised drug diversion program. There are
44 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
45 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally

1 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
2 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
3 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
4 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
5 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
6 from the Armed Forces of the United States. I am not required to register as a sex offender in any
7 state. I understand I will be fingerprinted and photographed.

8
9 Legal name _____
10 Age _____ Date of birth _____
11 Place of birth _____
12 Social Security number _____

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

15
16 Proof of identification (Two pieces of current identification are required, one of which must bear a
17 photograph of the applicant. The type of identification and the number on the identification are to
18 be filled in by the sheriff.):

- 19 1. _____
- 20 2. _____

21
22 Height _____ Weight _____
23 Hair color _____ Eye color _____

24
25 Current address _____

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

26
27
28
29 City _____ County _____ Zip _____
30 Phone _____

31
32 **PRIVACY NOTICE: Unless you indicate otherwise, your status as an applicant for, or a**
33 **holder of, a concealed handgun license may be subject to public disclosure under Oregon law.**
34 **If you request confidentiality by marking "Yes" below, your status as an applicant for, or a**
35 **holder of, a concealed handgun license may be disclosed by a public body only if the disclo-**
36 **sure is necessary for criminal justice purposes, is made in response to a court order or is**
37 **made with your written permission.**

38
39 **I am requesting that my status as an applicant for, or a holder of, a concealed handgun li-**
40 **cence remain confidential:**

41
42 _____ Yes _____ No (Check one)

43
44 I have read the entire text of this application, and the statements therein are correct and true.
45 (Making false statements on this application is a misdemeanor.)

(Signature of Applicant)

Character references.

Name: Address

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 ORS 247.181 showing a residence address in the county;

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

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

SECTION 4. Section 1 of this 2012 Act applies to applications for a concealed handgun license, including renewal applications, that are submitted to a county sheriff before, on or after the effective date of this 2012 Act.

1 **SECTION 5.** (1) The amendments to ORS 166.291 by section 2 of this 2012 Act become
2 operative on July 1, 2012.

3 (2) For purposes of section 1 of this 2012 Act, an application for a concealed handgun li-
4 cense that is submitted to a county sheriff before the operative date specified in subsection
5 (1) of this section demonstrates that the applicant has requested confidentiality in accord-
6 ance with ORS 166.291 (4) if the application in any way manifests an intent to exempt the
7 application or license, or information contained in the application or license, from public
8 disclosure, including by indicating that the applicant has applied for a concealed handgun li-
9 cense for security or safety reasons.

10 **SECTION 6.** This 2012 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
12 on its passage.
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