

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	3 - 2 - 0
<b>Yeas:</b>	Dingfelder, Roblan, Prozanski
<b>Nays:</b>	Close, Kruse
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	4/5, 4/18

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**WHAT THE MEASURE DOES:** Requires the instructor to be actually present in the classroom for the purpose of demonstrating competence with a handgun for concealed firearm permit. Prohibits instructor from appearing via internet or other electronic communications. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Many areas do not have firing ranges within a reasonable distance

**EFFECT OF COMMITTEE AMENDMENT:** Eliminates the live fire requirement. Requires the instructor to be actually present in the classroom. Cannot be there via internet or other electronic communications.

**BACKGROUND:** A person seeking a concealed firearm permit must: (1) Be a citizen of the United States or is a legal resident alien and has applied for citizenship; (2) Be 21 years or older; (3) Be a resident of the county where he or she is applying for the license or is a resident of a contiguous county in either Washington, Idaho or California and the person can show a “compelling business interest or other demonstrated need”; (4) Not have an outstanding warrant for arrest; (5) Be free from pre-trial arrest; (6) Demonstrate competence with a handgun through completion of a firearm training course or otherwise show experience with handling firearms.

Article 1, section 27, Oregon Constitution states as follows: “The people shall have the right to bear arms for the defense [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.”

This provision provides Oregonians the right to bears arms collectively through a militia, which today would be the Oregon National Guard, and individually for personal protection particularly in their respective homes. *State v. Kessler*, 289 Or. 359 (1980). This right is not absolute. Oregon prohibits convicted felons from possessing firearms. The Oregon Supreme has found this prohibition constitutional and strongly indicated that prohibiting a mentally ill persons from carrying a firearm, as Oregon does, is constitutional. *State v. Hirsch/Friend*, 338 Or. 622 (2005). A deeply divided Oregon Court of Appeals has found a City of Portland ordinance, prohibiting the carrying a loaded firearm in a public place, constitutional. *State v. Christian*, 249 Or. App. 1 (2012). This case is currently before the Oregon Supreme Court.

The Second Amendment to the United States Constitution states as follows: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

The United States Supreme Court has found that the Second Amendment guarantees a citizen the individual right to possess a firearm in the home for protection. *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*. 130 S.Ct. 3020 (2010). Recently, the 7<sup>th</sup> federal circuit court extended the right to carry a firearm for protection to beyond the home, Nos. 1-1269, 12-1788 (February 22, 2013).

4/29/2013 3:31:00 PM

***This summary has not been adopted or officially endorsed by action of the committee.***