

House Bill 2368

Sponsored by Representative THATCHER; Senators BOQUIST, GEORGE (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**.

Modifies circumstances under which public body may disclose concealed handgun license information.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the public disclosure of concealed handgun license information; amending section 2,
3 chapter 93, Oregon Laws 2012; and declaring an emergency.

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

5 **SECTION 1.** Section 2, chapter 93, Oregon Laws 2012, is amended to read:

6 **Sec. 2.** (1) A public body may not disclose records or information that identifies a person as a
7 current or former holder of, or applicant for, a concealed handgun license, unless:

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

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

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

13 (d)(A) **The public body receives a written request for disclosure;**

14 (B) The public body determines that a compelling public interest requires disclosure in the
15 particular instance; and

16 (C) The disclosure is limited to the name, age and county of residence of the holder or applicant;

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

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

23 (f)(A) The disclosure is limited to confirming or denying that a person convicted of a crime in-
24 volving the use or possession of a firearm is a current holder of a concealed handgun license; and

25 (B) The disclosure is made to a bona fide representative of the news media in response to a
26 **written** request for disclosure that provides the name and age of the person convicted of the crime
27 involving the use or possession of a firearm; or

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

31 (2) A public body may not confirm or deny that a person described in subsection (1)(e)(A) or

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 (f)(A) of this section is a current holder of a concealed handgun license unless the person seeking
 2 disclosure:

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

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

7 (3) Notwithstanding any other provision of law, a public body that receives a **written** request
 8 for disclosure under subsection (1)(e) or (f) of this section may conduct an investigation, including
 9 a criminal records check, to determine whether a person described in subsection (1)(e)(A) or (f)(A)
 10 of this section has been convicted of a person crime or a crime involving the use or possession of
 11 a firearm or is restrained by a protective order.

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

14 (a) The procedures for submitting the written [*request*] **requests** described in subsection (1)(d)
 15 **to (f)** of this section; and

16 (b) The materials an individual must provide to the public body to establish a compelling public
 17 interest that supports the disclosure of the name, age and county of residence of the holder or ap-
 18 plicant.

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

21 (6) As used in this section:

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

24 (b) “Person crime” means a person felony or person Class A misdemeanor, as those terms are
 25 defined in the rules of the Oregon Criminal Justice Commission, or any other crime constituting
 26 domestic violence, as defined 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 2.** Section 2, chapter 93, Oregon Laws 2012, as amended by section 5, chapter 93,
 30 Oregon Laws 2012, is amended to read:

31 **Sec. 2.** (1) A public body may not disclose records or information that identifies a person as a
 32 current or former holder of, or applicant for, a concealed handgun license, unless:

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

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

36 (c) The holder of, or applicant for, the concealed handgun license consents to the disclosure in
 37 writing;

38 (d)(A) **The public body receives a written request for disclosure;**

39 (B) The public body determines that a compelling public interest requires disclosure in the
 40 particular instance; and

41 (C) The disclosure is limited to the name, age and county of residence of the holder or applicant;

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

44 (B) The disclosure is made to a victim of the person crime or to a person who is protected by
 45 the protective order, in response to a **written** request for disclosure that provides the public body

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

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

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

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

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

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

15 (3) Notwithstanding any other provision of law, a public body that receives a **written** request
16 for disclosure under subsection (1)(e) or (f) of this section may conduct an investigation, including
17 a criminal records check, to determine whether a person described in subsection (1)(e)(A) or (f)(A)
18 of this section has been convicted of a person crime or a crime involving the use or possession of
19 a firearm or is restrained by a protective order.

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

22 (a) The procedures for submitting the written *[request]* **requests** described in subsection (1)(d)
23 **to (f)** of this section; and

24 (b) The materials an individual must provide to the public body to establish a compelling public
25 interest that supports the disclosure of the name, age and county of residence of the holder or ap-
26 plicant.

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

29 (6) As used in this section:

30 (a) “Convicted” does not include a conviction that has been reversed, vacated or set aside or a
31 conviction for which the person has been pardoned.

32 (b) “Person crime” means a person felony or person Class A misdemeanor, as those terms are
33 defined in the rules of the Oregon Criminal Justice Commission, or any other crime constituting
34 domestic violence, as defined in ORS 135.230.

35 (c) “Protective order” has the meaning given that term in ORS 135.886.

36 (d) “Victim” has the meaning given that term in ORS 131.007.

37 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
39 **on its passage.**

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