

**PROPOSED AMENDMENTS TO
SENATE BILL 696**

1 In line 2 of the printed bill, delete “18.362” and insert “166.291”.

2 Delete lines 4 through 8 and insert:

3 **“SECTION 1.** ORS 166.291 is amended to read:

4 “166.291. (1) The sheriff of a county, upon a person’s application for an
5 Oregon concealed handgun license, upon receipt of the appropriate fees and
6 after compliance with the procedures set out in this section, shall issue the
7 person a concealed handgun license if the person:

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

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

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

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

3 “(C) Completion of any firearms safety or training course or class avail-
4 able to the general public offered by law enforcement, community college,
5 or private or public institution or organization or firearms training school
6 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
9 course or class offered for security guards, investigators, reserve law
10 enforcement officers or any other law enforcement officers if handgun safety
11 was a component of the course;

12 “(E) Presents evidence of equivalent experience with a [*handgun*] **firearm**
13 through participation in organized shooting competition or military service;

14 “(F) Is licensed or has been licensed to carry a firearm in this state, un-
15 less the license has been revoked; or

16 “(G) Completion of any firearms training or safety course or class con-
17 ducted by a firearms instructor certified by a law enforcement agency or the
18 National Rifle Association if handgun safety was a component of the course;

19 “(g) Has never been convicted of a felony or found guilty, except for in-
20 sanity under ORS 161.295, of a felony;

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

24 “(i) Has not been committed to the Oregon Health Authority under ORS
25 426.130;

26 “(j) Has not been found to be mentally ill and is not subject to an order
27 under ORS 426.130 that the person be prohibited from purchasing or pos-
28 sessing a firearm as a result of that mental illness;

29 “(k) Has been discharged from the jurisdiction of the juvenile court for
30 more than four years if, while a minor, the person was found to be within

1 the jurisdiction of the juvenile court for having committed an act that, if
2 committed by an adult, would constitute a felony or a misdemeanor involving
3 violence, as defined in ORS 166.470;

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

7 “(A) The person has been convicted only once of [*violating ORS 475.864*
8 **(3)] a marijuana possession offense constituting a misdemeanor or vi-**
9 **olation** and has not completed a court-supervised drug diversion program
10 under ORS 135.907; or

11 “(B) The person has completed a court-supervised drug diversion program
12 [*under ORS 135.907*] **for a marijuana possession offense constituting a**
13 **misdemeanor or violation** and has not been convicted of [*violating ORS*
14 *475.864 (3)*] **a marijuana possession offense constituting a misdemeanor**
15 **or violation;**

16 “(m) Is not subject to a citation issued under ORS 163.735 or an order
17 issued under ORS **24.190**, 30.866, 107.700 to 107.735, **124.005 to 124.040**, [*or*]
18 **163.738 or 419B.845;**

19 “(n) Has not received a dishonorable discharge from the Armed Forces
20 of the United States; [*and*]

21 “(o) Is not required to register as a sex offender in any state[.]; **and**

22 “**(p) Has not been convicted of a misdemeanor crime constituting**
23 **domestic violence as defined in ORS 135.230.**

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

29 “(3) Before the sheriff may issue a license:

30 “(a) The application must state the applicant’s legal name, current ad-

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

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

22 “(4) Application forms for concealed handgun licenses shall be supplied
23 by the sheriff upon request. The forms shall be uniform throughout this state
24 in substantially the following form:

25 “ _____

26 APPLICATION FOR LICENSE TO CARRY
27 CONCEALED HANDGUN

28 Date_____

29 I hereby declare as follows:

30 I am a citizen of the United States or a legal resident alien who can

1 document continuous residency in the county for at least six months and
2 have declared in writing to the United States Citizenship and Immigration
3 Services my intention to become a citizen and can present proof of the
4 written declaration to the sheriff at the time of this application. I am at least
5 21 years of age. I have been discharged from the jurisdiction of the juvenile
6 court for more than four years if, while a minor, I was found to be within
7 the jurisdiction of the juvenile court for having committed an act that, if
8 committed by an adult, would constitute a felony or a misdemeanor involving
9 violence, as defined in ORS 166.470. I have never been convicted of a felony
10 or found guilty, except for insanity under ORS 161.295, of a felony in the
11 State of Oregon or elsewhere. I have not, within the last four years, been
12 convicted of a misdemeanor or found guilty, except for insanity under ORS
13 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
14 not been convicted of an offense involving controlled substances or com-
15 pleted a court-supervised drug diversion program. There are no outstanding
16 warrants for my arrest and I am not free on any form of pretrial release. I
17 have not been committed to the Oregon Health Authority under ORS 426.130,
18 nor have I been found mentally ill and presently subject to an order pro-
19 hibiting me from purchasing or possessing a firearm because of mental ill-
20 ness. If any of the previous conditions do apply to me, I have been granted
21 relief or wish to petition for relief from the disability under ORS 166.274 or
22 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or
23 have had the records expunged. I am not subject to a citation issued under
24 ORS 163.735 or an order issued under ORS **24.190**, 30.866, 107.700 to 107.735,
25 **124.005 to 124.040**, [or] 163.738 **or 419B.845**. I have never received a dis-
26 honorable discharge from the Armed Forces of the United States. I am not
27 required to register as a sex offender in any state. **I have never been con-**
28 **victed of a misdemeanor crime constituting domestic violence as de-**
29 **fin ed in ORS 135.230**. I understand I will be fingerprinted and photographed.
30

1 Legal name _____
2 Age _____ Date of birth _____
3 Place of birth _____
4 Social Security number _____

5 (Disclosure of your Social Security account number is voluntary. Solicita-
6 tion of the number is authorized under ORS 166.291. It will be used only as
7 a means of identification.)

8
9 Proof of identification (Two pieces of current identification are required, one
10 of which must bear a photograph of the applicant. The type of identification
11 and the number on the identification are to be filled in by the sheriff.):

12 1. _____
13 2. _____

14
15 Height _____ Weight _____
16 Hair color _____ Eye color _____

17
18 Current address _____

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

19
20
21
22 City _____ County _____ Zip _____
23 Phone _____

24
25 I have read the entire text of this application, and the statements therein
26 are correct and true. (Making false statements on this application is a
27 misdemeanor.)

28 _____
29 (Signature of Applicant)

1 Character references.

2 _____

3 Name Address

4 _____

5 Name Address

6

7 Approved _____ Disapproved _____ by _____

8

9 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

10 Date _____ Fee Paid _____

11 License No. _____

12 “ _____

13 “(5)(a) Fees for concealed handgun licenses are:

14 “(A) \$15 to the Department of State Police for conducting the fingerprint
15 check of the applicant.

16 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun
17 license.

18 “(C) \$15 to the sheriff for the duplication of a license because of loss or
19 change of address.

20 “(b) The sheriff may enter into an agreement with the Department of
21 Transportation to produce the concealed handgun license.

22 “(6) No civil or criminal liability shall attach to the sheriff or any au-
23 thorized representative engaged in the receipt and review of, or an investi-
24 gation connected with, any application for, or in the issuance, denial or
25 revocation of, any license under ORS 166.291 to 166.295 as a result of the
26 lawful performance of duties under those sections.

27 “(7) Immediately upon acceptance of an application for a concealed
28 handgun license, the sheriff shall enter the applicant’s name into the Law
29 Enforcement Data System indicating that the person is an applicant for a
30 concealed handgun license or is a license holder.

1 “(8) The county sheriff may waive the residency requirement in subsection
2 (1)(c) of this section for a resident of a contiguous state who has a compel-
3 ling business interest or other legitimate demonstrated need.

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

6 “(a) Has a current Oregon driver license issued to the person showing a
7 residence address in the county;

8 “(b) Is registered to vote in the county and has a memorandum card is-
9 sued to the person under ORS 247.181 showing a residence address in the
10 county;

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

13 “(d) Has documentation showing that the person filed an Oregon tax re-
14 turn for the most recent tax year showing a residence address in the county.

15 **“SECTION 2.** ORS 166.291, as amended by section 10, chapter 826, Oregon
16 Laws 2009, and section 34, chapter 547, Oregon Laws 2011, is amended to
17 read:

18 “166.291. (1) The sheriff of a county, upon a person’s application for an
19 Oregon concealed handgun license, upon receipt of the appropriate fees and
20 after compliance with the procedures set out in this section, shall issue the
21 person a concealed handgun license if the person:

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

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

28 “(b) Is at least 21 years of age;

29 “(c) Is a resident of the county;

30 “(d) Has no outstanding warrants for arrest;

- 1 “(e) Is not free on any form of pretrial release;
- 2 “(f) Demonstrates competence with a handgun by any one of the follow-
- 3 ing:
- 4 “(A) Completion of any hunter education or hunter safety course approved
- 5 by the State Department of Fish and Wildlife or a similar agency of another
- 6 state if handgun safety was a component of the course;
- 7 “(B) Completion of any National Rifle Association firearms safety or
- 8 training course if handgun safety was a component of the course;
- 9 “(C) Completion of any firearms safety or training course or class avail-
- 10 able to the general public offered by law enforcement, community college,
- 11 or private or public institution or organization or firearms training school
- 12 utilizing instructors certified by the National Rifle Association or a law
- 13 enforcement agency if handgun safety was a component of the course;
- 14 “(D) Completion of any law enforcement firearms safety or training
- 15 course or class offered for security guards, investigators, reserve law
- 16 enforcement officers or any other law enforcement officers if handgun safety
- 17 was a component of the course;
- 18 “(E) Presents evidence of equivalent experience with a [*handgun*] **firearm**
- 19 through participation in organized shooting competition or military service;
- 20 “(F) Is licensed or has been licensed to carry a firearm in this state, un-
- 21 less the license has been revoked; or
- 22 “(G) Completion of any firearms training or safety course or class con-
- 23 ducted by a firearms instructor certified by a law enforcement agency or the
- 24 National Rifle Association if handgun safety was a component of the course;
- 25 “(g) Has never been convicted of a felony or found guilty, except for in-
- 26 sanity under ORS 161.295, of a felony;
- 27 “(h) Has not been convicted of a misdemeanor or found guilty, except for
- 28 insanity under ORS 161.295, of a misdemeanor within the four years prior to
- 29 the application;
- 30 “(i) Has not been committed to the Oregon Health Authority under ORS

1 426.130;

2 “(j) Has not been found to be mentally ill and is not subject to an order
3 under ORS 426.130 that the person be prohibited from purchasing or pos-
4 sessing a firearm as a result of that mental illness;

5 “(k) Has been discharged from the jurisdiction of the juvenile court for
6 more than four years if, while a minor, the person was found to be within
7 the jurisdiction of the juvenile court for having committed an act that, if
8 committed by an adult, would constitute a felony or a misdemeanor involving
9 violence, as defined in ORS 166.470;

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

13 “(A) The person has been convicted only once of [*violating ORS 475.864*
14 **(3)] a marijuana possession offense constituting a misdemeanor or vi-**
15 **olation** and has not completed a court-supervised drug diversion program
16 under ORS 135.907; or

17 “(B) The person has completed a court-supervised drug diversion program
18 [*under ORS 135.907*] **for a marijuana possession offense constituting a**
19 **misdemeanor or violation** and has not been convicted of [*violating ORS*
20 *475.864 (3)*] **a marijuana possession offense constituting a misdemeanor**
21 **or violation;**

22 “(m) Is not subject to a citation issued under ORS 163.735 or an order
23 issued under ORS **24.190**, 30.866, 107.700 to 107.735, **124.005 to 124.040**, [*or*]
24 **163.738 or 419B.845;**

25 “(n) Has not received a dishonorable discharge from the Armed Forces
26 of the United States; [*and*]

27 “(o) Is not required to register as a sex offender in any state[.]; **and**

28 “(p) **Has not been convicted of a misdemeanor crime constituting**
29 **domestic violence as defined in ORS 135.230.**

30 “(2) A person who has been granted relief under ORS 166.274 or 166.293

1 or 18 U.S.C. 925(c) or has had the person's record expunged under the laws
2 of this state or equivalent laws of other jurisdictions is not subject to the
3 disabilities in subsection (1)(g) to (L) of this section.

4 “(3) Before the sheriff may issue a license:

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

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

27 “(4) Application forms for concealed handgun licenses shall be supplied
28 by the sheriff upon request. The forms shall be uniform throughout this state
29 in substantially the following form:

30 “ _____

1 APPLICATION FOR LICENSE TO CARRY
2 CONCEALED HANDGUN

3 Date_____

4 I hereby declare as follows:

5 I am a citizen of the United States or a legal resident alien who can
6 document continuous residency in the county for at least six months and
7 have declared in writing to the United States Citizenship and Immigration
8 Services my intention to become a citizen and can present proof of the
9 written declaration to the sheriff at the time of this application. I am at least
10 21 years of age. I have been discharged from the jurisdiction of the juvenile
11 court for more than four years if, while a minor, I was found to be within
12 the jurisdiction of the juvenile court for having committed an act that, if
13 committed by an adult, would constitute a felony or a misdemeanor involving
14 violence, as defined in ORS 166.470. I have never been convicted of a felony
15 or found guilty, except for insanity under ORS 161.295, of a felony in the
16 State of Oregon or elsewhere. I have not, within the last four years, been
17 convicted of a misdemeanor or found guilty, except for insanity under ORS
18 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
19 not been convicted of an offense involving controlled substances or com-
20 pleted a court-supervised drug diversion program. There are no outstanding
21 warrants for my arrest and I am not free on any form of pretrial release. I
22 have not been committed to the Oregon Health Authority under ORS 426.130,
23 nor have I been found mentally ill and presently subject to an order pro-
24 hibiting me from purchasing or possessing a firearm because of mental ill-
25 ness. If any of the previous conditions do apply to me, I have been granted
26 relief or wish to petition for relief from the disability under ORS 166.274 or
27 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not sub-
28 ject to a citation issued under ORS 163.735 or an order issued under ORS
29 **24.190**, 30.866, 107.700 to 107.735, **124.005 to 124.040**, [or] 163.738 or
30 **419B.845**. I have never received a dishonorable discharge from the Armed

1 Forces of the United States. I am not required to register as a sex offender
2 in any state. **I have never been convicted of a misdemeanor crime**
3 **constituting domestic violence as defined in ORS 135.230.** I understand
4 I will be fingerprinted and photographed.

5

6 Legal name _____

7 Age _____ Date of birth _____

8 Place of birth _____

9 Social Security number _____

10 (Disclosure of your Social Security account number is voluntary. Solicita-
11 tion of the number is authorized under ORS 166.291. It will be used only as
12 a means of identification.)

13

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

17 1. _____

18 2. _____

19

20 Height _____ Weight _____

21 Hair color _____ Eye color _____

22

23 Current address _____

24

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

25

26

27 City _____ County _____ Zip _____

28 Phone _____

29

30 I have read the entire text of this application, and the statements therein

1 are correct and true. (Making false statements on this application is a
2 misdemeanor.)

3 _____
4 (Signature of Applicant)

5
6 Character references.

7 _____

8 Name: Address

9 _____

10 Name: Address

11
12 Approved ____ Disapproved ____ by ____

13
14 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

15 Date _____ Fee Paid _____

16 License No. _____

17 “ _____

18 “(5)(a) Fees for concealed handgun licenses are:

19 “(A) \$15 to the Department of State Police for conducting the fingerprint
20 check of the applicant.

21 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun
22 license.

23 “(C) \$15 to the sheriff for the duplication of a license because of loss or
24 change of address.

25 “(b) The sheriff may enter into an agreement with the Department of
26 Transportation to produce the concealed handgun license.

27 “(6) No civil or criminal liability shall attach to the sheriff or any au-
28 thorized representative engaged in the receipt and review of, or an investi-
29 gation connected with, any application for, or in the issuance, denial or
30 revocation of, any license under ORS 166.291 to 166.295 as a result of the

1 lawful performance of duties under those sections.

2 “(7) Immediately upon acceptance of an application for a concealed
3 handgun license, the sheriff shall enter the applicant’s name into the Law
4 Enforcement Data System indicating that the person is an applicant for a
5 concealed handgun license or is a license holder.

6 “(8) The county sheriff may waive the residency requirement in subsection
7 (1)(c) of this section for a resident of a contiguous state who has a compel-
8 ling business interest or other legitimate demonstrated need.

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

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

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

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

18 “(d) Has documentation showing that the person filed an Oregon tax re-
19 turn for the most recent tax year showing a residence address in the
20 county.”.

21
