

**PROPOSED AMENDMENTS TO
SENATE BILL 796**

1 On page 1 of the printed bill, line 2, after the first semicolon insert
2 “creating new provisions;”.

3 Delete lines 4 through 31 and delete pages 2 through 11 and insert:

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

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

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

10 “(B) Is a legal resident alien who can document continuous residency in
11 the county for at least six months and has [*declared in writing*] **submitted**
12 **a written application for citizenship** to the United States Citizenship and
13 Immigration Services [*the intent to acquire citizenship status*] and can present
14 proof [*of the written declaration*] to the sheriff at the time of application for
15 the license **that the application for citizenship has been received by the**
16 **United States Citizenship and Immigration Services and the applica-**
17 **tion fee, if applicable, has been paid;**

18 “(b) Is at least 21 years of age;

19 “(c) Is a resident of the county;

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

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

22 “(f) Demonstrates competence with a handgun by any one of the follow-

1 ing:

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

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

7 “(C) Completion of any firearms safety or training course or class avail-
8 able to the general public offered by law enforcement, community college,
9 or private or public institution or organization or firearms training school
10 utilizing instructors certified by the National Rifle Association or a law
11 enforcement agency if handgun safety was a component of the course;

12 “(D) Completion of any law enforcement firearms safety or training
13 course or class offered for security guards, investigators, reserve law
14 enforcement officers or any other law enforcement officers if handgun safety
15 was a component of the course;

16 “(E) Presents evidence of equivalent experience with a handgun through
17 participation in organized shooting competition or military service;

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

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

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

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

28 “(i) Has not been committed to the Oregon Health Authority under ORS
29 426.130;

30 “(j) Has not been found to be mentally ill and is not subject to an order

1 under ORS 426.130 that the person be prohibited from purchasing or pos-
2 sessing a firearm as a result of that mental illness;

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

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

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

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

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

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

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

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

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

27 “(a) The application must state the applicant’s legal name, current ad-
28 dress and telephone number, date and place of birth, hair and eye color and
29 height and weight. The application must also list the applicant’s residence
30 address or addresses for the previous three years. The application must con-

1 tain a statement by the applicant that the applicant meets the requirements
2 of subsection (1) of this section. The application may include the Social Se-
3 curity number of the applicant if the applicant voluntarily provides this
4 number. The application must be signed by the applicant.

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

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

22 “ _____

23 APPLICATION FOR LICENSE TO CARRY
24 CONCEALED HANDGUN

25 Date_____

26 I hereby declare as follows:

27 I am a citizen of the United States or a legal resident alien who can
28 document continuous residency in the county for at least six months and
29 have [*declared in writing*] **submitted a written application for citizenship**
30 to the United States Citizenship and Immigration Services [*my intention to*

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

28

29 Legal name _____

30 Age _____ Date of birth _____

1 Place of birth _____

2 Social Security number _____

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

6

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

10 1. _____

11 2. _____

12

13 Height _____ Weight _____

14 Hair color _____ Eye color _____

15

16 Current address _____

17

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

18

19

20 City _____ County _____ Zip _____

21 Phone _____

22

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

26

27

(Signature of Applicant)

28

29 Character references.

30

1 Name Address
2 _____

3 Name Address
4

5 Approved _____ Disapproved _____ by _____
6

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

8 Date _____ Fee Paid _____

9 License No. _____

10 “ _____

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

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

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

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

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

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

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

29 “(8) The county sheriff may waive the residency requirement in subsection
30 (1)(c) of this section for a resident of a contiguous state who has a compel-

1 ling business interest or other legitimate demonstrated need.

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

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

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

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

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

13 **“(10) For the purposes of demonstrating competence with a handgun**
14 **under subsection (1)(f)(A), (B), (C), (D) or (G) of this section, the**
15 **course or class must be taught by a live instructor, the applicant must**
16 **attend the course or class in person and the applicant may not take**
17 **the course or class on the Internet or via other electronic means.**

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

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

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

26 “(B) Is a legal resident alien who can document continuous residency in
27 the county for at least six months and has [*declared in writing*] **submitted**
28 **a written application for citizenship** to the United States Citizenship and
29 Immigration Services [*the intent to acquire citizenship status*] and can present
30 proof [*of the written declaration*] to the sheriff at the time of application for

1 the license **that the application for citizenship has been received by the**
2 **United States Citizenship and Immigration Services and the applica-**
3 **tion fee, if applicable, has been paid;**

4 “(b) Is at least 21 years of age;

5 “(c) Is a resident of the county;

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

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

8 “(f) Demonstrates competence with a handgun by any one of the follow-
9 ing:

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

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

15 “(C) Completion of any firearms safety or training course or class avail-
16 able to the general public offered by law enforcement, community college,
17 or private or public institution or organization or firearms training school
18 utilizing instructors certified by the National Rifle Association or a law
19 enforcement agency if handgun safety was a component of the course;

20 “(D) Completion of any law enforcement firearms safety or training
21 course or class offered for security guards, investigators, reserve law
22 enforcement officers or any other law enforcement officers if handgun safety
23 was a component of the course;

24 “(E) Presents evidence of equivalent experience with a handgun through
25 participation in organized shooting competition or military service;

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

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

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

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

6 “(i) Has not been committed to the Oregon Health Authority under ORS
7 426.130;

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

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

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

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

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

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

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

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

29 “(2) A person who has been granted relief under ORS 166.274 or 166.293
30 or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws

1 of this state or equivalent laws of other jurisdictions is not subject to the
2 disabilities in subsection (1)(g) to (L) of this section.

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

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

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

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

29 “

30 APPLICATION FOR LICENSE TO CARRY

1 CONCEALED HANDGUN

2 Date_____

3 I hereby declare as follows:

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

1 ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonor-
2 able discharge from the Armed Forces of the United States. I am not required
3 to register as a sex offender in any state. I understand I will be fingerprinted
4 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

(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 county.

20 “(10) **For the purposes of demonstrating competence with a handgun**
21 **under subsection (1)(f)(A), (B), (C), (D) or (G) of this section, the**
22 **course or class must be taught by a live instructor, the applicant must**
23 **attend the course or class in person and the applicant may not take**
24 **the course or class on the Internet or via other electronic means.**

25 “**SECTION 3. The amendments to ORS 166.291 by sections 1 and 2**
26 **of this 2013 Act apply only to applications for a concealed handgun li-**
27 **cence submitted on or after the effective date of this 2013 Act.**

28 “**SECTION 4. This 2013 Act being necessary for the immediate**
29 **preservation of the public peace, health and safety, an emergency is**
30 **declared to exist, and this 2013 Act takes effect on its passage.”.**

