

**PROPOSED AMENDMENTS TO
SENATE BILL 1551**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete line 3 and insert “amending ORS 166.250, 166.291,
3 166.412, 166.422, 166.425, 166.436, 166.460, 166.470, 181.740, 426.133, 426.135 and
4 426.160.”.

5 Delete lines 5 through 28 and delete pages 2 through 7 and insert:

6 **“SECTION 1.** ORS 426.133 is amended to read:

7 “426.133. (1) As used in ORS 426.005 to 426.390, ‘assisted outpatient
8 treatment’ may not be construed to be a commitment under ORS 426.130 and
9 does not include taking a person into custody or the forced medication of a
10 person.

11 “(2) A court may issue an order requiring a person to participate in as-
12 sisted outpatient treatment **under ORS 426.130 (1)(b)(B)** if the court finds
13 that the person:

14 “(a)(A) Is 18 years of age or older;

15 “(B) Has a mental disorder;

16 “(C) Will not obtain treatment in the community voluntarily; and

17 “(D) Is unable to make an informed decision to seek or to comply with
18 voluntary treatment; and

19 “(b) As a result of being a person described in paragraph (a) of this sub-
20 section:

21 “(A) Is incapable of surviving safely in the community without treatment;

22 and

1 “(B) Requires treatment to prevent a deterioration in the person’s condi-
2 tion that will predictably result in the person becoming a person with mental
3 illness.

4 “(3) In determining whether to issue the order under subsection (2) of this
5 section, the court shall consider, but is not limited to considering, the fol-
6 lowing factors:

7 “(a) The person’s ability to access finances in order to get food or medi-
8 cine.

9 “(b) The person’s ability to obtain treatment for the person’s medical
10 condition.

11 “(c) The person’s ability to access necessary resources in the community
12 without assistance.

13 “(d) The degree to which there are risks to the person’s safety.

14 “(e) The likelihood that the person will decompensate without immediate
15 care or treatment.

16 “(f) The person’s previous attempts to inflict physical injury on self or
17 others.

18 “(g) The person’s history of mental health treatment in the community.

19 “(h) The person’s patterns of decompensation in the past.

20 “(i) The person’s risk of being victimized or harmed by others.

21 “(j) The person’s access to the means to inflict harm on self or others.

22 “(4) The community mental health program director may recommend to
23 the court a treatment plan for a person participating in assisted outpatient
24 treatment. The court may adopt the plan as recommended or with modifica-
25 tions.

26 **“(5)(a) As part of the court’s order under subsection (2) of this**
27 **section, the court may prohibit the person from purchasing or pos-**
28 **sessing a firearm during the period of assisted outpatient treatment**
29 **if the court further finds that there is clear and convincing evidence**
30 **that the person would constitute a danger to self or others or to the**

1 **community at large as a result of the person’s mental or psychological**
2 **state as demonstrated by past behavior or participation in incidents**
3 **involving unlawful violence or threats of unlawful violence, or by**
4 **reason of a single incident of extreme, violent, unlawful conduct.**

5 **“(b) When a court adds a prohibition on the purchase or possession**
6 **of a firearm to an order under subsection (2) of this section, the court**
7 **shall cause a copy of the order to be delivered to the sheriff of the**
8 **county, and the sheriff shall enter the information into the Law**
9 **Enforcement Data System.**

10 **“[(5)] (6) The court retains jurisdiction over the person and the prohi-**
11 **bition on the purchase or possession of a firearm, if any, lasts until the**
12 **earlier of the end of the period of the assisted outpatient treatment estab-**
13 **lished under ORS 426.130 (2) or until the court finds that the person no**
14 **longer meets the criteria in subsection (2) of this section. If the court added**
15 **a prohibition on the purchase or possession of a firearm to an order**
16 **under subsection (2) of this section, the court shall notify the sheriff**
17 **of the county when the court’s jurisdiction ends and the sheriff shall**
18 **enter the information into the Law Enforcement Data System.**

19 **“[(6)] (7) This section does not:**

20 **“(a) Prevent a court from appointing a guardian ad litem to act for the**
21 **person; or**

22 **“(b) Require a county to provide treatment or services to, or supervision**
23 **of, the person if the county lacks sufficient funds for such purposes.**

24 **“SECTION 2. ORS 426.135 is amended to read:**

25 **“426.135. If a person determined to be a person with mental illness as**
26 **provided in ORS 426.130, ordered to participate in assisted outpatient**
27 **treatment under ORS 426.133 or determined to be an extremely dangerous**
28 **person with mental illness under ORS 426.701 or 426.702, appeals the deter-**
29 **mination or the disposition, and is determined to be financially eligible for**
30 **appointed counsel at state expense, upon request of the person or upon its**

1 own motion, the court shall appoint suitable legal counsel to represent the
2 person. The compensation for legal counsel and costs and expenses necessary
3 to the appeal shall be determined and paid by the public defense services
4 executive director as provided in ORS 135.055 if the circuit court is the ap-
5 pellate court or as provided in ORS 138.500 if the Court of Appeals or Su-
6 preme Court is the appellate court. The compensation, costs and expenses
7 shall be paid as provided in ORS 138.500.

8 **“SECTION 3.** ORS 166.250 is amended to read:

9 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
10 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter
11 826, Oregon Laws 2009, a person commits the crime of unlawful possession
12 of a firearm if the person knowingly:

13 “(a) Carries any firearm concealed upon the person;

14 “(b) Possesses a handgun that is concealed and readily accessible to the
15 person within any vehicle; or

16 “(c) Possesses a firearm and:

17 “(A) Is under 18 years of age;

18 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
19 venile court for having committed an act which, if committed by an adult,
20 would constitute a felony or a misdemeanor involving violence, as defined
21 in ORS 166.470; and

22 “(ii) Was discharged from the jurisdiction of the juvenile court within
23 four years prior to being charged under this section;

24 “(C) Has been convicted of a felony;

25 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

26 “(E) Was found to be a person with mental illness and subject to an order
27 under ORS 426.130 that the person be prohibited from purchasing or pos-
28 sessed a firearm as a result of that mental illness; [or]

29 **“(F) Is presently subject to the court’s jurisdiction under ORS**
30 **426.133 due to an order requiring participation in assisted outpatient**

1 **treatment that also prohibits the purchase or possession of a firearm;**
2 **or**

3 “[~~(F)~~] (G) Has been found guilty except for insanity under ORS 161.295
4 of a felony.

5 “(2) This section does not prohibit:

6 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
7 this section, from possessing a firearm:

8 “(A) Other than a handgun, if the firearm was transferred to the minor
9 by the minor’s parent or guardian or by another person with the consent of
10 the minor’s parent or guardian; or

11 “(B) Temporarily for hunting, target practice or any other lawful purpose;
12 or

13 “(b) Any citizen of the United States over the age of 18 years who resides
14 in or is temporarily sojourning within this state, and who is not within the
15 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
16 from owning, possessing or keeping within the person’s place of residence
17 or place of business any handgun, and no permit or license to purchase, own,
18 possess or keep any such firearm at the person’s place of residence or place
19 of business is required of any such citizen. As used in this subsection, ‘resi-
20 dence’ includes a recreational vessel or recreational vehicle while used, for
21 whatever period of time, as residential quarters.

22 “(3) Firearms carried openly in belt holsters are not concealed within the
23 meaning of this section.

24 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
25 handgun is readily accessible within the meaning of this section if the
26 handgun is within the passenger compartment of the vehicle.

27 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
28 subsection, has no storage location that is outside the passenger compart-
29 ment of the vehicle, a handgun is not readily accessible within the meaning
30 of this section if:

1 “(A) The handgun is stored in a closed and locked glove compartment,
2 center console or other container; and

3 “(B) The key is not inserted into the lock, if the glove compartment,
4 center console or other container unlocks with a key.

5 “(c) If a vehicle is a motorcycle, an all-terrain vehicle or a snowmobile,
6 a handgun is not readily accessible within the meaning of this section if:

7 “(A) The handgun is in a locked container within or affixed to the vehi-
8 cle; or

9 “(B) The handgun is equipped with a trigger lock or other locking mech-
10 anism that prevents the discharge of the firearm.

11 “(5) Unlawful possession of a firearm is a Class A misdemeanor.

12 **“SECTION 4.** ORS 166.250, as amended by section 11a, chapter 826,
13 Oregon Laws 2009, section 2, chapter 662, Oregon Laws 2011, and section 7,
14 chapter 360, Oregon Laws 2013, is amended to read:

15 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
16 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the
17 crime of unlawful possession of a firearm if the person knowingly:

18 “(a) Carries any firearm concealed upon the person;

19 “(b) Possesses a handgun that is concealed and readily accessible to the
20 person within any vehicle; or

21 “(c) Possesses a firearm and:

22 “(A) Is under 18 years of age;

23 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
24 venile court for having committed an act which, if committed by an adult,
25 would constitute a felony or a misdemeanor involving violence, as defined
26 in ORS 166.470; and

27 “(ii) Was discharged from the jurisdiction of the juvenile court within
28 four years prior to being charged under this section;

29 “(C) Has been convicted of a felony;

30 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

1 “(E) Was found to be a person with mental illness and subject to an order
2 under ORS 426.130 that the person be prohibited from purchasing or pos-
3 sessing a firearm as a result of that mental illness; [*or*]

4 “(F) **Is presently subject to the court’s jurisdiction under ORS**
5 **426.133 due to an order requiring participation in assisted outpatient**
6 **treatment that also prohibits the purchase or possession of a firearm;**
7 **or**

8 “[*F*] (G) Has been found guilty except for insanity under ORS 161.295
9 of a felony.

10 “(2) This section does not prohibit:

11 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
12 this section, from possessing a firearm:

13 “(A) Other than a handgun, if the firearm was transferred to the minor
14 by the minor’s parent or guardian or by another person with the consent of
15 the minor’s parent or guardian; or

16 “(B) Temporarily for hunting, target practice or any other lawful purpose;
17 or

18 “(b) Any citizen of the United States over the age of 18 years who resides
19 in or is temporarily sojourning within this state, and who is not within the
20 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
21 from owning, possessing or keeping within the person’s place of residence
22 or place of business any handgun, and no permit or license to purchase, own,
23 possess or keep any such firearm at the person’s place of residence or place
24 of business is required of any such citizen. As used in this subsection, ‘resi-
25 dence’ includes a recreational vessel or recreational vehicle while used, for
26 whatever period of time, as residential quarters.

27 “(3) Firearms carried openly in belt holsters are not concealed within the
28 meaning of this section.

29 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
30 handgun is readily accessible within the meaning of this section if the

1 handgun is within the passenger compartment of the vehicle.

2 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
3 subsection, has no storage location that is outside the passenger compart-
4 ment of the vehicle, a handgun is not readily accessible within the meaning
5 of this section if:

6 “(A) The handgun is stored in a closed and locked glove compartment,
7 center console or other container; and

8 “(B) The key is not inserted into the lock, if the glove compartment,
9 center console or other container unlocks with a key.

10 “(c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile,
11 a handgun is not readily accessible within the meaning of this section if:

12 “(A) The handgun is in a locked container within or affixed to the vehi-
13 cle; or

14 “(B) The handgun is equipped with a trigger lock or other locking mech-
15 anism that prevents the discharge of the firearm.

16 “(5) Unlawful possession of a firearm is a Class A misdemeanor.

17 **“SECTION 5. ORS 166.291 is amended to 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 through
- 19 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)(A) Has not been found to be a person with mental illness and is not
3 subject to an order under ORS 426.130 that the person be prohibited from
4 purchasing or possessing a firearm as a result of that mental illness; **and**

5 **“(B) Is not presently subject to the court’s jurisdiction under ORS**
6 **426.133 due to an order requiring participation in assisted outpatient**
7 **treatment and prohibiting the purchase or possession of a firearm;**

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

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

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

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

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

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

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

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

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

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

10 “(b) The applicant must submit to fingerprinting and photographing by
11 the sheriff. The sheriff shall fingerprint and photograph the applicant and
12 shall conduct any investigation necessary to corroborate the requirements
13 listed under subsection (1) of this section. If a nationwide criminal records
14 check is necessary, the sheriff shall request the Department of State Police
15 to conduct the check, including fingerprint identification, through the Fed-
16 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
17 turn the fingerprint cards used to conduct the criminal records check and
18 may not keep any record of the fingerprints. The Department of State Police
19 shall report the results of the fingerprint-based criminal records check to the
20 sheriff. The Department of State Police shall also furnish the sheriff with
21 any information about the applicant that the Department of State Police may
22 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
25 by the sheriff upon request. The forms shall be uniform throughout this state
26 in substantially the following form:

27 “ _____
28 APPLICATION FOR LICENSE TO CARRY
29 CONCEALED HANDGUN
30 Date_____

1 I hereby declare as follows:

2 I am a citizen of the United States or a legal resident alien who can
3 document continuous residency in the county for at least six months and
4 have declared in writing to the United States Citizenship and Immigration
5 Services my intention to become a citizen and can present proof of the
6 written declaration to the sheriff at the time of this application. I am at least
7 21 years of age. I have been discharged from the jurisdiction of the juvenile
8 court for more than four years if, while a minor, I was found to be within
9 the jurisdiction of the juvenile court for having committed an act that, if
10 committed by an adult, would constitute a felony or a misdemeanor involving
11 violence, as defined in ORS 166.470. I have never been convicted of a felony
12 or found guilty, except for insanity under ORS 161.295, of a felony in the
13 State of Oregon or elsewhere. I have not, within the last four years, been
14 convicted of a misdemeanor or found guilty, except for insanity under ORS
15 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
16 not been convicted of an offense involving controlled substances or com-
17 pleted a court-supervised drug diversion program. There are no outstanding
18 warrants for my arrest and I am not free on any form of pretrial release. I
19 have not been committed to the Oregon Health Authority under ORS 426.130,
20 nor have I been found to be a person with mental illness and presently sub-
21 ject to an order prohibiting me from purchasing or possessing a firearm be-
22 cause of mental illness. **I am not under the court's jurisdiction due to**
23 **an order requiring participation in assisted outpatient treatment under**
24 **ORS 426.133 that includes an order prohibiting me from purchasing or**
25 **possessing a firearm.** If any of the previous conditions do apply to me, I
26 have been granted relief or wish to petition for relief from the disability
27 under ORS 166.274 or 166.293 or section 5, chapter 826, Oregon Laws 2009,
28 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a
29 citation issued under ORS 163.735 or an order issued under ORS 30.866,
30 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge

1 from the Armed Forces of the United States. I am not required to register
2 as a sex offender in any state. I understand I will be fingerprinted and pho-
3 tographed.

4

5 Legal name _____

6 Age _____ Date of birth _____

7 Place of birth _____

8 Social Security number _____

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

12

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

16 1. _____

17 2. _____

18

19 Height _____ Weight _____

20 Hair color _____ Eye color _____

21

22 Current address _____

23

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

24

25

26 City _____ County _____ Zip _____

27 Phone _____

28

29 I have read the entire text of this application, and the statements therein
30 are correct and true. (Making false statements on this application is a

1 misdemeanor.)

2

3

(Signature of Applicant)

4

5 Character references.

6

7

Name Address

8

9

Name Address

10

11 Approved _____ Disapproved _____ by _____

12

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

14 Date _____ Fee Paid _____

15 License No. _____

16

“ _____

17

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

18

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

20

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

22

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

24

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

26

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

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

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

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

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

12 “(b) Is registered to vote in the county and has a voter notification card
13 issued to the person under ORS 247.181 showing a residence address in the
14 county;

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

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

19 **“SECTION 6.** ORS 166.291, as amended by section 10, chapter 826, Oregon
20 Laws 2009, section 34, chapter 547, Oregon Laws 2011, section 5, chapter 243,
21 Oregon Laws 2013, section 9, chapter 360, Oregon Laws 2013, and section 7,
22 chapter 591, Oregon Laws 2013, is amended to read:

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

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

28 “(B) Is a legal resident alien who can document continuous residency in
29 the county for at least six months and has declared in writing to the United
30 States Citizenship and Immigration Services the intent to acquire citizenship

1 status and can present proof of the written declaration to the sheriff at the
2 time of application for the license;

3 “(b) Is at least 21 years of age;

4 “(c) Is a resident of the county;

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

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

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

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

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

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

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

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

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

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

30 “(g) Has never been convicted of a felony or found guilty, except for in-

1 sanity under ORS 161.295, of a felony;

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

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

7 “(j)(A) Has not been found to be a person with mental illness and is not
8 subject to an order under ORS 426.130 that the person be prohibited from
9 purchasing or possessing a firearm as a result of that mental illness; **or**

10 **“(B) Is not presently subject to the court’s jurisdiction under ORS**
11 **426.133 due to an order requiring participation in assisted outpatient**
12 **treatment and prohibiting the purchase or possession of a firearm;**

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

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

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

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

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

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

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

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

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

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

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

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

1 “

2 APPLICATION FOR LICENSE TO CARRY
3 CONCEALED HANDGUN

4 Date_____

5 I hereby declare as follows:

6 I am a citizen of the United States or a legal resident alien who can
7 document continuous residency in the county for at least six months and
8 have declared in writing to the United States Citizenship and Immigration
9 Services my intention to become a citizen and can present proof of the
10 written declaration to the sheriff at the time of this application. I am at least
11 21 years of age. I have been discharged from the jurisdiction of the juvenile
12 court for more than four years if, while a minor, I 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. I have never been convicted of a felony
16 or found guilty, except for insanity under ORS 161.295, of a felony in the
17 State of Oregon or elsewhere. I have not, within the last four years, been
18 convicted of a misdemeanor or found guilty, except for insanity under ORS
19 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
20 not been convicted of an offense involving controlled substances or com-
21 pleted a court-supervised drug diversion program. There are no outstanding
22 warrants for my arrest and I am not free on any form of pretrial release. I
23 have not been committed to the Oregon Health Authority under ORS 426.130,
24 nor have I been found to be a person with mental illness and presently sub-
25 ject to an order prohibiting me from purchasing or possessing a firearm be-
26 cause of mental illness. **I am not under the court’s jurisdiction due to**
27 **an order requiring participation in assisted outpatient treatment under**
28 **ORS 426.133 that includes an order prohibiting me from purchasing or**
29 **possessing a firearm.** If any of the previous conditions do apply to me, I
30 have been granted relief or wish to petition for relief from the disability

1 under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records
2 expunged. I am not subject to a citation issued under ORS 163.735 or an or-
3 der issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never re-
4 ceived a dishonorable discharge from the Armed Forces of the United States.
5 I am not required to register as a sex offender in any state. I understand I
6 will be fingerprinted and photographed.

7

8 Legal name _____

9 Age _____ Date of birth _____

10 Place of birth _____

11 Social Security number _____

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

15

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

19 1. _____

20 2. _____

21

22 Height _____ Weight _____

23 Hair color _____ Eye color _____

24

25 Current address _____

26

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

27

28

29 City _____ County _____ Zip _____

30 Phone _____

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

4 _____
5 (Signature of Applicant)

6
7 Character references.

8 _____
9 Name: Address

10 _____
11 Name: Address

12
13 Approved _____ Disapproved _____ by _____

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

16 Date _____ Fee Paid _____

17 License No. _____

18 “ _____

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

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

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

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

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

28 “(6) No civil or criminal liability shall attach to the sheriff or any au-
29 thorized representative engaged in the receipt and review of, or an investi-
30 gation connected with, any application for, or in the issuance, denial or

1 revocation of, any license under ORS 166.291 to 166.295 as a result of the
2 lawful performance of duties under those sections.

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

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

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

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

14 “(b) Is registered to vote in the county and has a voter notification card
15 issued to the person under ORS 247.181 showing a residence address in the
16 county;

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

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

21 **“SECTION 7.** ORS 166.470 is amended to read:

22 “166.470. (1) Unless relief has been granted under ORS 166.274 or section
23 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or the expunction laws
24 of this state or an equivalent law of another jurisdiction, a person may not
25 intentionally sell, deliver or otherwise transfer any firearm when the
26 transferor knows or reasonably should know that the recipient:

27 “(a) Is under 18 years of age;

28 “(b) Has been convicted of a felony;

29 “(c) Has any outstanding felony warrants for arrest;

30 “(d) Is free on any form of pretrial release for a felony;

1 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

2 “(f) After January 1, 1990, was found to be a person with mental illness
3 and subject to an order under ORS 426.130 that the person be prohibited from
4 purchasing or possessing a firearm as a result of that mental illness;

5 “(g) Has been convicted of a misdemeanor involving violence or found
6 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
7 olence within the previous four years. As used in this paragraph,
8 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
9 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

10 “(h) **Is presently subject to the court’s jurisdiction under ORS**
11 **426.133 due to an order requiring participation in assisted outpatient**
12 **treatment that also prohibits the purchase or possession of a firearm;**
13 **or**

14 “[*h*] (i) Has been found guilty except for insanity under ORS 161.295 of
15 a felony.

16 “(2) A person may not sell, deliver or otherwise transfer any firearm that
17 the person knows or reasonably should know is stolen.

18 “(3) Subsection (1)(a) of this section does not prohibit:

19 “(a) The parent or guardian, or another person with the consent of the
20 parent or guardian, of a minor from transferring to the minor a firearm,
21 other than a handgun; or

22 “(b) The temporary transfer of any firearm to a minor for hunting, target
23 practice or any other lawful purpose.

24 “(4) Violation of this section is a Class A misdemeanor.

25 “**SECTION 8.** ORS 166.470, as amended by section 11, chapter 826, Oregon
26 Laws 2009, and section 11, chapter 360, Oregon Laws 2013, is amended to
27 read:

28 “166.470. (1) Unless relief has been granted under ORS 166.274 or 18
29 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of
30 another jurisdiction, a person may not intentionally sell, deliver or otherwise

1 transfer any firearm when the transferor knows or reasonably should know
2 that the recipient:

3 “(a) Is under 18 years of age;

4 “(b) Has been convicted of a felony;

5 “(c) Has any outstanding felony warrants for arrest;

6 “(d) Is free on any form of pretrial release for a felony;

7 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

8 “(f) After January 1, 1990, was found to be a person with mental illness
9 and subject to an order under ORS 426.130 that the person be prohibited from
10 purchasing or possessing a firearm as a result of that mental illness;

11 “(g) Has been convicted of a misdemeanor involving violence or found
12 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
13 olence within the previous four years. As used in this paragraph,
14 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
15 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

16 “(h) **Is presently subject to the court’s jurisdiction under ORS**
17 **426.133 due to an order requiring participation in assisted outpatient**
18 **treatment that also prohibits the purchase or possession of a firearm;**
19 **or**

20 “[*h*] (i) Has been found guilty except for insanity under ORS 161.295 of
21 a felony.

22 “(2) A person may not sell, deliver or otherwise transfer any firearm that
23 the person knows or reasonably should know is stolen.

24 “(3) Subsection (1)(a) of this section does not prohibit:

25 “(a) The parent or guardian, or another person with the consent of the
26 parent or guardian, of a minor from transferring to the minor a firearm,
27 other than a handgun; or

28 “(b) The temporary transfer of any firearm to a minor for hunting, target
29 practice or any other lawful purpose.

30 “(4) Violation of this section is a Class A misdemeanor.

1 **“SECTION 9.** ORS 166.460 is amended to read:

2 “166.460. (1) ORS 166.250, 166.260, 166.291 to 166.295, 166.410, 166.412,
3 166.425, 166.434, 166.438 and 166.450 do not apply to antique firearms.

4 “(2) Notwithstanding the provisions of subsection (1) of this section, pos-
5 session of an antique firearm by a person described in ORS 166.250 (1)(c)(B)
6 to (D) or [(F)] (G) constitutes a violation of ORS 166.250.

7 **“SECTION 10.** ORS 181.740 is amended to read:

8 “181.740. (1) The Department of Human Services, the Oregon Health Au-
9 thority, the Psychiatric Security Review Board and the Judicial Department
10 shall provide the Department of State Police with the minimum information
11 necessary to identify persons who:

12 “(a) Have been committed by a court to the Oregon Health Authority
13 under ORS 426.130, based on a finding that the person is dangerous to self
14 or others;

15 “(b) Are subject to a court order under ORS 426.130 **or 426.133** prohibiting
16 the person from purchasing or possessing a firearm;

17 “(c) Have been committed by a court to the Department of Human Ser-
18 vices under ORS 427.290, based on a finding that the person is dangerous to
19 self or others;

20 “(d) Have been found by a court to lack fitness to proceed under ORS
21 161.370;

22 “(e) Have been found guilty except for insanity of a crime under ORS
23 161.295 to 161.370;

24 “(f) Have been found responsible except for insanity for an act under ORS
25 419C.411;

26 “(g) Have been placed under the jurisdiction of the Psychiatric Security
27 Review Board or the Oregon Health Authority under ORS 161.315 to 161.351;
28 or

29 “(h) Have been committed to a state hospital or facility under ORS
30 161.315 to 161.351 or 419C.529 to 419C.544.

1 “(2) Upon receipt of the information described in this section, the De-
2 partment of State Police shall access and maintain the information and
3 transmit the information to the federal government as required under federal
4 law.

5 “(3) The Department of Human Services, the Oregon Health Authority,
6 the Psychiatric Security Review Board and the Judicial Department shall
7 enter into agreements with the Department of State Police describing the
8 access to information provided under this section.

9 “(4) The Department of State Police shall adopt rules:

10 “(a) After consulting with the Department of Human Services, the Oregon
11 Health Authority, the Psychiatric Security Review Board and the Judicial
12 Department, describing the type of information provided to the Department
13 of State Police under this section; and

14 “(b) Describing the method and manner of maintaining the information
15 described in this section and transmitting the information to the federal
16 government.

17 “(5) **When the court’s jurisdiction over a person under ORS 426.133**
18 **ends, the Judicial Department shall provide the Department of State**
19 **Police with the minimum information necessary to enable the depart-**
20 **ment to:**

21 “(a) **Maintain the information and transmit the information to the**
22 **federal government as required under federal law; and**

23 “(b) **Maintain a record of the termination of the prohibition against**
24 **possessing or purchasing a firearm.**

25 “[5] (6) As used in this section, ‘minimum information necessary’ means
26 data elements or nominal information that is necessary or required under
27 federal law to accurately identify a person described in this section and in-
28 cludes the person’s name, date of birth, gender and reference information
29 that identifies the originating agency or court and enables the originating
30 agency or court to locate an underlying record or file of a person described

1 in this section. ‘Minimum information necessary’ does not include any med-
2 ical, psychiatric or psychological information, case histories or files of a
3 person described in this section or any record or file of an originating agency
4 or court.

5 **“SECTION 11.** ORS 426.160 is amended to read:

6 “426.160. (1) The court having jurisdiction over any proceeding conducted
7 pursuant to ORS 426.005, 426.060 to 426.170, 426.217, 426.228, 426.255 to
8 426.292, 426.300 to 426.309, 426.385, 426.395, 426.701 and 426.702 may not dis-
9 close any part of the record of the proceeding or commitment to any person
10 except:

11 “(a) The court shall, pursuant to rules adopted by the Department of State
12 Police, transmit the minimum information necessary, as defined in ORS
13 181.740, to the Department of State Police for persons described in ORS
14 181.740 (1)(a) or (b), **or in circumstances described in ORS 181.740 (5)**, to
15 enable the department to access and maintain the information and transmit
16 the information to the federal government as required under federal law;

17 “(b) As provided in ORS 426.070 (5)(c), 426.130 (3) or 426.170;

18 “(c) On request of the person subject to the proceeding;

19 “(d) On request of the person’s legal representative or the attorney for the
20 person or the state; or

21 “(e) Pursuant to court order.

22 “(2) In any proceeding described in subsection (1) of this section that is
23 before the Supreme Court or the Court of Appeals, the limitations on dis-
24 closure imposed by this section apply to the appellate court record and to
25 the trial court record while it is in the appellate court’s custody. The ap-
26 pellate court may disclose information from the trial or appellate court re-
27 cord in a decision, as defined in ORS 19.450, provided that the court uses
28 initials, an alias or some other convention for protecting against public dis-
29 closure the identity of the person subject to the proceeding.

30 **“SECTION 12.** ORS 166.412 is amended to read:

1 “166.412. (1) As used in this section:
2 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;
3 “(b) ‘Department’ means the Department of State Police;
4 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except
5 that it does not include an antique firearm;
6 “(d) ‘Firearms transaction record’ means the firearms transaction record
7 required by 18 U.S.C. 921 to 929;
8 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the
9 department under subsection (11) of this section;
10 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
11 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
12 the person is a retail dealer, pawnbroker or otherwise;
13 “(g) ‘Handgun’ has the meaning given that term in ORS 166.210; and
14 “(h) ‘Purchaser’ means a person who buys, leases or otherwise receives a
15 firearm from a gun dealer.
16 “(2) Except as provided in subsections (3)(c) and (12) of this section, a gun
17 dealer shall comply with the following before a handgun is delivered to a
18 purchaser:
19 “(a) The purchaser shall present to the dealer current identification
20 meeting the requirements of subsection (4) of this section.
21 “(b) The gun dealer shall complete the firearms transaction record and
22 obtain the signature of the purchaser on the record.
23 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the
24 firearms transaction thumbprint form and attach the form to the gun dealer’s
25 copy of the firearms transaction record to be filed with that copy.
26 “(d) The gun dealer shall request by telephone that the department con-
27 duct a criminal history record check on the purchaser and shall provide the
28 following information to the department:
29 “(A) The federal firearms license number of the gun dealer;
30 “(B) The business name of the gun dealer;

1 “(C) The place of transfer;

2 “(D) The name of the person making the transfer;

3 “(E) The make, model, caliber and manufacturer’s number of the handgun
4 being transferred;

5 “(F) The name and date of birth of the purchaser;

6 “(G) The Social Security number of the purchaser if the purchaser vol-
7 untarily provides this number to the gun dealer; and

8 “(H) The type, issuer and identification number of the identification pre-
9 sented by the purchaser.

10 “(e) The gun dealer shall receive a unique approval number for the
11 transfer from the department and record the approval number on the firearms
12 transaction record and on the firearms transaction thumbprint form.

13 “(f) The gun dealer may destroy the firearms transaction thumbprint form
14 five years after the completion of the firearms transaction thumbprint form.

15 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
16 record check, the department shall immediately, during the gun dealer’s
17 telephone call or by return call:

18 “(A) Determine, from criminal records and other information available to
19 it, whether the purchaser is disqualified under ORS 166.470 from completing
20 the purchase; and

21 “(B) Notify the dealer when a purchaser is disqualified from completing
22 the transfer or provide the dealer with a unique approval number indicating
23 that the purchaser is qualified to complete the transfer.

24 “(b) If the department is unable to determine if the purchaser is qualified
25 or disqualified from completing the transfer within 30 minutes, the depart-
26 ment shall notify the dealer and provide the dealer with an estimate of the
27 time when the department will provide the requested information.

28 “(c) If the department fails to provide a unique approval number to a gun
29 dealer or to notify the gun dealer that the purchaser is disqualified under
30 paragraph (a) of this subsection before the close of the gun dealer’s next

1 business day following the request by the dealer for a criminal history record
2 check, the dealer may deliver the handgun to the purchaser.

3 “(4)(a) Identification required of the purchaser under subsection (2) of this
4 section shall include one piece of current identification bearing a photograph
5 and the date of birth of the purchaser that:

6 “(A) Is issued under the authority of the United States Government, a
7 state, a political subdivision of a state, a foreign government, a political
8 subdivision of a foreign government, an international governmental organ-
9 ization or an international quasi-governmental organization; and

10 “(B) Is intended to be used for identification of an individual or is com-
11 monly accepted for the purpose of identification of an individual.

12 “(b) If the identification presented by the purchaser under paragraph (a)
13 of this subsection does not include the current address of the purchaser, the
14 purchaser shall present a second piece of current identification that contains
15 the current address of the purchaser. The Superintendent of State Police may
16 specify by rule the type of identification that may be presented under this
17 paragraph.

18 “(c) The department may require that the dealer verify the identification
19 of the purchaser if that identity is in question by sending the thumbprints
20 of the purchaser to the department.

21 “(5) The department shall establish a telephone number that shall be op-
22 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
23 purpose of responding to inquiries from dealers for a criminal history record
24 check under this section.

25 “(6) No public employee, official or agency shall be held criminally or
26 civilly liable for performing the investigations required by this section pro-
27 vided the employee, official or agency acts in good faith and without malice.

28 “(7)(a) The department may retain a record of the information obtained
29 during a request for a criminal [*records*] **history record** check for no more
30 than five years.

1 “(b) The record of the information obtained during a request for a crimi-
2 nal [records] **history record** check by a gun dealer is exempt from disclosure
3 under public records law.

4 “(c) **If the department determines that a purchaser is prohibited**
5 **from possessing a firearm under ORS 166.250 (1)(c), as soon as practi-**
6 **cable the department shall report the attempted transfer and the**
7 **purchaser’s name to the sheriff of the county in which the purchaser**
8 **is attempting to complete the transfer of the firearm, and, if applica-**
9 **ble, to the chief of police of the city in which the purchaser is at-**
10 **tempting to complete the transfer of the firearm.**

11 “(8) A law enforcement agency may inspect the records of a gun dealer
12 relating to transfers of handguns with the consent of a gun dealer in the
13 course of a reasonable inquiry during a criminal investigation or under the
14 authority of a properly authorized subpoena or search warrant.

15 “(9) When a handgun is delivered, it shall be unloaded.

16 “(10) In accordance with applicable provisions of ORS chapter 183, the
17 Superintendent of State Police may adopt rules necessary for:

18 “(a) The design of the firearms transaction thumbprint form;

19 “(b) The maintenance of a procedure to correct errors in the criminal re-
20 cords of the department;

21 “(c) The provision of a security system to identify dealers who request a
22 criminal history record check under subsection (2) of this section; and

23 “(d) The creation and maintenance of a database of the business hours
24 of gun dealers.

25 “(11) The department shall publish the firearms transaction thumbprint
26 form and shall furnish the form to gun dealers on application at cost.

27 “(12) This section does not apply to transactions between persons licensed
28 as dealers under 18 U.S.C. 923.

29 “**SECTION 13.** ORS 166.436 is amended to read:

30 “166.436. (1) The Department of State Police shall make the telephone

1 number established under ORS 166.412 (5) available for requests from persons
2 other than gun dealers for criminal background checks under this section.

3 “(2) Prior to transferring a firearm, a transferor other than a gun dealer
4 may request by telephone that the department conduct a criminal back-
5 ground check on the recipient and shall provide the following information
6 to the department:

7 “(a) The name, address and telephone number of the transferor;

8 “(b) The make, model, caliber and manufacturer’s number of the firearm
9 being transferred;

10 “(c) The name, date of birth, race, sex and address of the recipient;

11 “(d) The Social Security number of the recipient if the recipient volun-
12 tarily provides that number;

13 “(e) The address of the place where the transfer is occurring; and

14 “(f) The type, issuer and identification number of a current piece of
15 identification bearing a recent photograph of the recipient presented by the
16 recipient. The identification presented by the recipient must meet the re-
17 quirements of ORS 166.412 (4)(a).

18 “(3)(a) Upon receipt of a request for a criminal background check under
19 this section, the department shall immediately, during the telephone call or
20 by return call:

21 “(A) Determine from criminal records and other information available to
22 it whether the recipient is disqualified under ORS 166.470 from completing
23 the transfer or is otherwise prohibited by state or federal law from possess-
24 ing a firearm; and

25 “(B) Notify the transferor when a recipient is disqualified from complet-
26 ing the transfer or provide the transferor with a unique approval number
27 indicating that the recipient is qualified to complete the transfer. The unique
28 approval number is a permit valid for 24 hours for the requested transfer. If
29 the firearm is not transferred from the transferor to the recipient within 24
30 hours after receipt of the unique approval number, a new request must be

1 made by the transferor.

2 “(b) If the department is unable to determine whether the recipient is
3 qualified for or disqualified from completing the transfer within 30 minutes
4 of receiving the request, the department shall notify the transferor and pro-
5 vide the transferor with an estimate of the time when the department will
6 provide the requested information.

7 “(4) A public employee or public agency incurs no criminal or civil li-
8 ability for performing the criminal background checks required by this sec-
9 tion, provided the employee or agency acts in good faith and without malice.

10 “(5)(a) The department may retain a record of the information obtained
11 during a request for a criminal background check under this section for the
12 period of time provided in ORS 166.412 (7).

13 “(b) The record of the information obtained during a request for a crimi-
14 nal background check under this section is exempt from disclosure under
15 public records law.

16 “(c) **If the department determines that a recipient is prohibited**
17 **from possessing a firearm under ORS 166.250 (1)(c), as soon as practi-**
18 **cable the department shall report the attempted transfer and the**
19 **recipient’s name to the sheriff of the county in which the recipient is**
20 **attempting to complete the transfer of the firearm, and, if applicable,**
21 **to the chief of police of the city in which the recipient is attempting**
22 **to complete the transfer of the firearm.**

23 “(6) The recipient of the firearm must be present when the transferor re-
24 quests a criminal background check under this section.

25 “(7)(a) Except as otherwise provided in paragraphs (b) and (c) of this
26 subsection, a transferor who receives notification under this section that the
27 recipient is qualified to complete the transfer of a firearm is immune from
28 civil liability for any use of the firearm from the time of the transfer unless
29 the transferor knows, or reasonably should know, that the recipient is likely
30 to commit an unlawful act involving the firearm.

1 “(b) If the transferor is required to request a criminal background check
2 under ORS 166.438, the immunity provided by paragraph (a) of this sub-
3 section applies only if, in addition to receiving the notification required by
4 this section, the transferor has the recipient fill out the form required by
5 ORS 166.438 (1)(a) and retains the form as required by ORS 166.438 (2).

6 “(c) The immunity provided by paragraph (a) of this subsection does not
7 apply:

8 “(A) If the transferor knows, or reasonably should know, that the recipi-
9 ent of the firearm intends to deliver the firearm to a third person who the
10 transferor knows, or reasonably should know, may not lawfully possess the
11 firearm; or

12 “(B) In any product liability civil action under ORS 30.900 to 30.920.

13 **“SECTION 14.** ORS 166.422 is amended to read:

14 “166.422. Where appropriate, a person may enforce the legal duties im-
15 posed by ORS 166.412 (7)(a) **or (b)**, by the provisions of ORS 30.260 to 30.300
16 and ORS chapter 183.

17 **“SECTION 15.** ORS 166.425 is amended to read:

18 “166.425. (1) A person commits the crime of unlawfully purchasing a
19 firearm if the person, knowing that the person is prohibited by state law
20 from owning or possessing the firearm or having the firearm under the
21 person’s custody or control, purchases or attempts to purchase the firearm.

22 “(2)(a) Unlawfully purchasing a firearm is a Class A misdemeanor.

23 **“(b) Notwithstanding paragraph (a) of this subsection, unlawfully
24 purchasing a firearm is a Class C felony if:**

25 **“(A) The person is prohibited by state law from owning or possess-
26 ing the firearm or having the firearm under the person’s custody or
27 control due to the person’s felony conviction; and**

28 **“(B) The person has a previous conviction under this section at the
29 time of the offense.”.**

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