

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 05/07/15

Action: Do Pass.

Meeting Dates: 05/07

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Repeals January 1, 2016, sunset on Psychiatric Security Review Board (PSRB) designation as Oregon's Alcohol Tobacco and Firearm (ATF) certified gun relief authority. Authorizes PSRB to conduct relief hearings for persons found guilty except insanity for misdemeanors involving violence. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- ATF designation of the PSRB
- How the system has worked thus far
- Need to remove the sunset to continue work
- Federal funding streams

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

In 2009, the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division began offering states federal grant money to assist with the reconciliation of records and uploading of names to the National Instant Criminal Background Check System (NICS). NICS helps licensed firearms dealers and law enforcement to determine whether an individual is barred under state or federal law from purchasing or possessing a firearm. Oregon applied for and received grant money from the FBI on the condition that it also create an ATF Certified Relief Program. The 2009 legislature designated the PSRB as the state's agency to implement the relief program and provide an opportunity for barred individuals to request that their firearms rights be restored when they are no longer a danger to themselves or others.

Between 2009 and 2014, roughly 30,000 Oregonians were uploaded to NICS utilizing the aforementioned funding stream. The profiles uploaded to NICS represent individuals who are barred from owning a firearm due to a mental health determination. Prior to 2009, regardless of actions taken by local courts, federal law prohibited gun possession once an individual had a mental health determination. Since the inception of the FBI's program, however, federal law has allowed petitions for relief to be heard by entities that meet ATF criteria. The PSRB has been this entity since 2009.

House Bill 2429 allows the PSRB to continue as the entity designated to hear petitions for gun rights restoration by those with a mental health determination. The bill allows the board to conduct hearings on both felony crimes and those misdemeanors involving violence.