

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED SENATE BILL 525**

1 On page 6 of the printed B-engrossed bill, after line 40, insert:

2 **“SECTION 6a. If House Bill 2429 becomes law, section 6 of this 2015**
3 **Act (amending ORS 166.274) is repealed and ORS 166.274, as amended**
4 **by section 20, chapter 826, Oregon Laws 2009, section 3, chapter 86,**
5 **Oregon Laws 2010, section 60, chapter 595, Oregon Laws 2011, section**
6 **4, chapter 662, Oregon Laws 2011, and section 4, chapter _____, Oregon**
7 **Laws 2015 (Enrolled House Bill 2429), is amended to read:**

8 “166.274. (1) Except as provided in subsection (11) of this section, a person
9 barred from possessing or receiving a firearm may file a petition for relief
10 from the bar in accordance with subsection (2) of this section if:

11 “(a) The person is barred from possessing a firearm under ORS 166.250
12 (1)(c)(A), [or] (C) or (G) or 166.270; or

13 “(b) The person is barred from receiving a firearm under ORS 166.470
14 (1)(a) or (b) or, if the person has been convicted of a misdemeanor involving
15 violence, ORS 166.470 (1)(g).

16 “(2) A petition for relief described in this section must be filed in the
17 circuit court in the petitioner’s county of residence.

18 “(3) A person may apply once per calendar year for relief under the pro-
19 visions of this section.

20 “(4)(a) A person petitioning for relief under this section shall serve a copy
21 of the petition on:

22 “(A) The city chief of police if the court in which the petition is filed is

1 located in a city; or

2 “(B) The sheriff of the county in which the court is located.

3 “(b) The copy of the petition shall be served on the chief of police or
4 sheriff at the same time the petition is filed at the court.

5 “(5)(a) When a petition is denied, the judge shall cause that information
6 to be entered into the Department of State Police computerized criminal
7 history files.

8 “(b) When a petition is granted, the judge shall cause that information
9 and a fingerprint card of the petitioner to be entered into the Department
10 of State Police computerized criminal history files. If, after a petition is
11 granted, the petitioner is arrested and convicted of a crime that would dis-
12 qualify the petitioner from purchasing or possessing a firearm, the Depart-
13 ment of State Police shall notify the court that granted relief under this
14 section. The court shall review the order granting relief and determine
15 whether to rescind the order. The Department of State Police may charge a
16 reasonable fee, under ORS 192.440, for the entry and maintenance of infor-
17 mation under this section.

18 “(6) Notwithstanding the provisions of ORS 9.320, a corporation, the state
19 or any city, county, district or other political subdivision or public corpo-
20 ration in this state, without appearance by attorney, may appear as a party
21 to an action under this section.

22 “(7) If the petitioner seeks relief from the bar on possessing or purchasing
23 a firearm, relief shall be granted when the petitioner demonstrates, by clear
24 and convincing evidence, that the petitioner does not pose a threat to the
25 safety of the public or the petitioner.

26 “(8) Petitions filed under this section shall be heard and disposed of
27 within 15 judicial days of filing or as soon as is practicable thereafter, but
28 not more than 30 days thereafter. The judge shall then make findings and
29 conclusions and issue a judgment based on the findings and conclusions in
30 accordance with the requirements of law.

1 “(9) A person filing a petition under this section must pay the filing fee
2 established under ORS 21.135.

3 “(10)(a) Initial appeals of petitions shall be heard de novo.

4 “(b) Any party to a judgment under this subsection may appeal to the
5 Court of Appeals in the same manner as for any other civil action.

6 “(c) If the governmental entity files an appeal under this subsection and
7 does not prevail, it shall be ordered to pay the attorney fees for the pre-
8 vailing party.

9 “(11) The court may not grant relief under this section to a person who:

10 “(a) Has been convicted of a person felony, as that term is defined in the
11 rules of the Oregon Criminal Justice Commission, or the statutory counter-
12 part to a person felony in any other jurisdiction, if the offense involved the
13 use of a firearm or a deadly weapon as defined in ORS 161.015;

14 “(b) Has been convicted of an offense listed in ORS 137.700 or the statu-
15 tory counterpart to an offense listed in ORS 137.700 in any other jurisdiction;

16 or

17 “(c) Is currently serving a felony sentence as defined in ORS 10.030 or
18 has served a felony sentence in the one-year period preceding the filing of
19 the petition.”.

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