

D R A F T

SUMMARY

Increases fees payable to county sheriff for issuance, renewal or duplication of concealed handgun license. Authorizes sheriff to collect from license applicant fee charged by Federal Bureau of Investigation for nationwide fingerprint check.

A BILL FOR AN ACT

1
2 Relating to concealed handgun license fees; creating new provisions; and
3 amending ORS 166.291.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 166.291 is amended to read:

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

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

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

16 (b) Is at least 21 years of age;

17 (c) Is a resident of the county;

18 (d) Has no outstanding warrants for arrest;

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

20 (f) Demonstrates competence with a handgun by any one of the following:

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

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

6 (C) Completion of any firearms safety or training course or class available
7 to the general public offered by law enforcement, community college, or pri-
8 vate or public institution or organization or firearms training school utiliz-
9 ing instructors certified by the National Rifle Association or a law
10 enforcement agency if handgun safety was a component of the course;

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

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

17 (F) Is licensed or has been licensed to carry a firearm in this state, unless
18 the license has been revoked; or

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

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

24 (h) Has not been convicted of a misdemeanor or found guilty, except for
25 insanity under ORS 161.295, of a misdemeanor within the four years prior to
26 the application, including a misdemeanor conviction for the possession of
27 marijuana as described in paragraph (L) of this subsection;

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

30 (j) Has not been found to be a person with mental illness and is not
31 subject to an order under ORS 426.130 that the person be prohibited from

1 purchasing or possessing a firearm as a result of that mental illness;

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

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

10 (A) The person can demonstrate that the person has been convicted only
11 once of a marijuana possession offense that constituted a misdemeanor or
12 violation under the law of the jurisdiction of the offense, and has not com-
13 pleted a drug diversion program for a marijuana possession offense that
14 constituted a misdemeanor or violation under the law of the jurisdiction of
15 the offense; or

16 (B) The person can demonstrate that the person has only once completed
17 a drug diversion program for a marijuana possession offense that constituted
18 a misdemeanor or violation under the law of the jurisdiction of the offense,
19 and has not been convicted of a marijuana possession offense that consti-
20 tuted a misdemeanor or violation under the law of the jurisdiction of the
21 offense;

22 (m) Is not subject to a citation issued under ORS 163.735 or an order is-
23 sued under ORS 30.866, 107.700 to 107.735 or 163.738;

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

26 (o) Is not required to register as a sex offender in any state; and

27 (p) Is not presently subject to an order under ORS 426.133 prohibiting the
28 person from purchasing or possessing a firearm.

29 (2) A person who has been granted relief under ORS 166.273, 166.274 or
30 166.293 or 18 U.S.C. 925(c) or has had the person's record expunged under the
31 laws of this state or equivalent laws of other jurisdictions is not subject to

1 the disabilities in subsection (1)(g) to (L) of this section.

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

3 (a) The application must state the applicant's legal name, current address
4 and telephone number, date and place of birth, hair and eye color and height
5 and weight. The application must also list the applicant's residence address
6 or addresses for the previous three years. The application must contain a
7 statement by the applicant that the applicant meets the requirements of
8 subsection (1) of this section. The application may include the Social Secu-
9 rity number of the applicant if the applicant voluntarily provides this num-
10 ber. The application must be signed by the applicant.

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

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

28

29

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

30

31

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 a court order to participate in
23 assisted outpatient treatment that includes an order prohibiting me from
24 purchasing or possessing a firearm. If any of the previous conditions do apply
25 to me, I have been granted relief or wish to petition for relief from the dis-
26 ability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had
27 the records expunged. I am not subject to a citation issued under ORS
28 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I
29 have never received a dishonorable discharge from the Armed Forces of the
30 United States. I am not required to register as a sex offender in any state.
31 I understand I will be fingerprinted and photographed.

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

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

8

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

12 1. _____

13 2. _____

14

15 Height _____ Weight _____

16 Hair color _____ Eye color _____

17

18 Current address _____

19

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

20

21

22 City _____ County _____ Zip _____

23 Phone _____

24

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

28

29

(Signature of Applicant)

30

31 Character references.

1 _____

2 Name: Address

3 _____

4 Name: Address

5

6 Approved _____ Disapproved _____ by _____

7

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

9 Date _____ Fee Paid _____

10 License No. _____

11 _____

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

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

15 (B) [~~\$50~~] **\$65** to the sheriff for the issuance or renewal of a concealed
16 handgun license.

17 (C) [~~\$15~~] **\$20** to the sheriff for the duplication of a license because of
18 loss, [*or*] change of address **or change of name**.

19 **(D) To the sheriff, an amount equal to the fee charged by the Fed-**
20 **eral Bureau of Investigation for conducting a nationwide fingerprint**
21 **check of the applicant.**

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

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

29 (7) Immediately upon acceptance of an application for a concealed
30 handgun license, the sheriff shall enter the applicant's name into the Law
31 Enforcement Data System indicating that the person is an applicant for a

1 concealed handgun license or is a license holder.

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

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

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

9 (b) Is registered to vote in the county and has a voter notification card
10 issued to the person under ORS 247.181 showing a residence address in the
11 county;

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

14 (d) Has documentation showing that the person filed an Oregon tax return
15 for the most recent tax year showing a residence address in the county.

16 (10) As used in this section, “drug diversion program” means a program
17 in which a defendant charged with a marijuana possession offense completes
18 a program under court supervision and in which the marijuana possession
19 offense is dismissed upon successful completion of the diversion program.

20 **SECTION 2. The amendments to ORS 166.291 by section 1 of this**
21 **2019 Act apply to applications for new concealed handgun licenses and**
22 **requests for license renewal or duplication submitted on or after the**
23 **effective date of this 2019 Act.**

24
