

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2005**

1 On page 1 of the printed A-engrossed bill, line 2, after “firearms;” delete
2 the rest of the line and delete line 3 and insert “amending section 4, chapter
3 1, Oregon Laws 2023.”.

4 Delete lines 5 through 8 and delete pages 2 through 16 and insert:

5 **“SECTION 1.** Section 4, chapter 1, Oregon Laws 2023 (Ballot Measure
6 114 (2022)), is amended to read:

7 **“Sec. 4.** (1)(a) A person may apply for a [*permit-to-purchase*] **permit to**
8 **purchase** a firearm or firearms under this section to the police chief or
9 county sheriff with jurisdiction over the residence of the person making the
10 application, or their designees, hereinafter referred to as ‘**permit agent.**’
11 [*agent.*]

12 “(b) A person is qualified to be issued a permit-to-purchase under this
13 section if the person:

14 “(A)(i) Is not prohibited from purchasing or acquiring a firearm under
15 state or federal law, including but not limited to successfully completing a
16 criminal background check as described [*under paragraph (e) of this sub-*
17 *section*] **in subsection (2) of this section;**

18 “[B] (ii) Is not the subject of an order described in ORS 166.525 to
19 166.543;

20 “[C] (iii) Does not present reasonable grounds for a permit agent to
21 conclude that the applicant has been or is reasonably likely to be a danger

1 to self or others, or to the community at large, as a result of the applicant's
2 mental or psychological state or as demonstrated by the applicant's past
3 pattern of behavior involving unlawful violence or threats of unlawful vi-
4 olence;

5 “[*D*] (iv) Provides proof of completion of a firearm safety course as de-
6 fined in subsection (8) of this section; and

7 “[*E*] (v) Pays the fee described in [*paragraph (b) of*] subsection (3)(b)
8 of this section[.]; or

9 **“(B) Holds a valid concealed handgun license issued under ORS**
10 **166.291 and 166.292.**

11 “(c) An application for a permit under this section must state the
12 applicant's legal name, current address and telephone number, date and place
13 of birth, physical description[,] and any additional information determined
14 necessary by Department **of State Police** rules. The application must be
15 signed by the applicant in front of the permit agent.

16 “(d) The permit agent shall verify the applicant's identity with a
17 government-issued form of identification bearing a photograph of the appli-
18 cant.

19 “[*e*] (2)(a) [*The*] **An applicant other than a person described in sub-**
20 **section (1)(b)(B) of this section** must submit to fingerprinting and photo-
21 graphing by the permit agent. The permit agent shall fingerprint and
22 photograph the applicant and shall conduct any investigation necessary to
23 determine whether the applicant meets the qualifications described in [*para-*
24 *graph (b)*] **subsection (1)(b)(A)** of this section. The permit agent shall re-
25 quest the department to conduct a criminal background check, including but
26 not limited to a fingerprint identification, through the Federal Bureau of
27 Investigation. The **permit agent shall ensure that the** Federal Bureau of
28 Investigation [*shall return*] **returns** the fingerprint cards used to conduct the
29 criminal background check and [*may*] **does** not keep any record of the fin-
30 gerprints. Upon completion of the criminal background check and determi-

1 nation of whether the permit applicant is qualified or disqualified from
2 purchasing or otherwise acquiring a firearm, the department shall report the
3 results, including the outcome of the fingerprint-based criminal background
4 check, to the permit agent.

5 “[2)(a)] (b) If during the background check, the department determines
6 that:

7 “(A) A purchaser is prohibited from possessing a firearm under ORS
8 166.250 (1)(c), the department shall report the attempted application for a
9 permit, the purchaser’s name and any other personally identifiable informa-
10 tion to all federal, state and local law enforcement agencies and district at-
11 torneys that have jurisdiction over the location or locations where the
12 attempted application for a permit was made and where the permit applicant
13 resides.[;]

14 “(B) Based on the judgment of conviction, the permit applicant is pro-
15 hibited from possessing a firearm as a condition of probation or that the
16 permit applicant is currently on post-prison supervision or parole, the de-
17 partment shall report the attempted application for a permit to the permit
18 applicant’s supervising officer and the district attorney of the county in
19 which the conviction occurred.

20 “(C) The permit applicant is prohibited from possessing a firearm due to
21 a court order described in ORS 166.255 (1)(a), the department shall report the
22 attempted application for a permit to the court that issued the order.

23 “(D) The permit applicant is under the jurisdiction of the Psychiatric
24 Security Review Board, the department shall report the attempted applica-
25 tion for a permit to the board.

26 “[b)] (c) Reports required by [paragraphs (A) to (D) of subsection (2)(a)]
27 **paragraph (b)(A) to (D) of this subsection** shall be made within 24 hours
28 after the determination is made, unless a report would compromise an ongo-
29 ing investigation, in which case the report may be delayed as long as nec-
30 essary to avoid compromising the investigation.

1 “[(c)] (d) On or before January 31 of each year, beginning in 2024, the
2 department shall annually publish a report indicating for each county the
3 number of applications made to any permit agent, the number of permits-to-
4 purchase issued and the number of permits-to-purchase denied and the rea-
5 sons for denial. The department may, by rule, include any additional
6 information that it determines would be helpful to ensuring the permit-to-
7 purchase process is being administered in a consistent and equitable manner.

8 “(3)(a) Within 30 days of receiving an application for a permit under this
9 section, if the permit agent has verified the applicant’s identity and deter-
10 mined that the applicant has met *[each of]* the qualifications described in
11 *[paragraph]* **subsection** (1)(b) of this section, the permit agent shall issue the
12 permit-to-purchase.

13 “(b) The permit agent may charge a reasonable fee reflecting the actual
14 cost of the process but shall not exceed \$65, including the cost of finger-
15 printing, photographing and obtaining a criminal background check. **The**
16 **department shall charge a reduced fee for persons who do not require**
17 **fingerprinting or a criminal background check due to holding a valid**
18 **concealed handgun license.**

19 “(4)(a) The department shall develop:

20 “(A) A standardized application form for a permit under this section; and

21 “(B) A form in quadruplicate for use by permit agents in issuing permits
22 under this section.

23 “(b) The issuing permit agent shall maintain a copy of each permit issued
24 under this section.

25 “(c) The person named in a permit shall:

26 “(A) Maintain a copy of the permit as long as the permit is valid.

27 “(B) Present a copy of the permit to the gun dealer or transferor of a
28 firearm when required under ORS 166.412, 166.435, 166.436 or 166.438.

29 “(5)(a) The permit agent shall report the issuance of a permit under this
30 section to the department, and shall provide to the department a copy of the

1 permit and any information necessary for the department to maintain an
2 electronic searchable database of all permits issued under this section. A
3 permit agent revoking a permit shall report the revocation to the department
4 at the time that notice of the revocation has been sent to the permit holder.

5 “(b) The department shall maintain the electronic database described in
6 paragraph (a) of this subsection by ensuring that new permits are added to
7 the database, renewed permits are assigned a new expiration date[,] and ex-
8 pired or revoked permits are marked expired or revoked but retained in the
9 database.

10 “(6)(a) A permit-to-purchase issued under this section does not create any
11 right of the permit holder to receive a firearm.

12 “(b) A permit-to-purchase issued under this section is not a limit on the
13 number of firearms the permit holder may purchase or acquire during the
14 time period when the permit is valid.

15 “(7)(a) A permit-to-purchase issued under this section is valid for five
16 years from the date of issuance, unless revoked.

17 “(b) A person may renew an unexpired permit issued under this section
18 by repeating the procedures set forth in subsection (1) of this section, except:

19 “(A) A full [*finger print*] **fingerprint** set does not need to be taken again
20 if the original set has been retained by the permit agent or is otherwise
21 available, **or if the person was not fingerprinted at the time the ori-**
22 **ginal permit was issued due to holding a valid concealed handgun li-**
23 **cence and the person continues to hold a valid concealed handgun**
24 **license;** and

25 “(B) The training course does not need to be completed, provided the
26 course previously taken fully complies with each of the requirements set
27 forth in subsection [8] **(8)** of this section[.] **or the person was not required**
28 **to complete the training course at the time the original permit was**
29 **issued due to holding a valid concealed handgun license.**

30 “(c) **A criminal background check is not required for a person who:**

1 **“(A) Was qualified at the time the original permit was issued due**
2 **to holding a valid concealed handgun license; and**

3 **“(B) Continues to hold a valid concealed handgun license.**

4 **“[(c)] (d) The permit agent may charge a reasonable fee for renewal of the**
5 **permit, reflecting the actual cost of the process but shall not exceed \$50,**
6 **including the cost of obtaining a criminal background check and photo-**
7 **graphing. The department shall charge a reduced fee for persons who**
8 **do not require a criminal background check due to holding a valid**
9 **concealed handgun license.**

10 **“(8)(a) As used in this section, ‘proof of completion of a firearm safety**
11 **course’ means the following:**

12 **“[(a)] (A) Proof of completion of any firearms training course or class**
13 **available to the general public that is offered by law enforcement, a com-**
14 **munity college, [or] a private or public institution or an organization or**
15 **firearms training school utilizing instructors certified by a law enforcement**
16 **agency[,] and that includes the components set forth in paragraph [(c)] (b)**
17 **of this subsection; or**

18 **“[(b)] (B) Proof of completion of any law enforcement firearms training**
19 **course or class that is offered for security guards, investigators, reserve law**
20 **enforcement officers[,] or any other law enforcement officers[,] and that in-**
21 **cludes the components set forth in paragraph [(c)] (b) of this subsection.[];**

22 **“[(c)] (b) A firearms training course or class required for issuance of a**
23 **permit-to-purchase must include:**

24 **“(A) Review of federal and state laws in place at the time of the class and**
25 **other safe practices related to ownership, purchase, transfer, use and trans-**
26 **portation of firearms;**

27 **“(B) Review of federal and state safe storage laws in place at the time**
28 **of the class and other safe practices related to safe storage, including re-**
29 **porting lost and stolen guns;**

30 **“(C) Prevention of abuse or misuse of firearms, including the impact of**

1 homicide and suicide on families, communities and the country as a whole;
2 and

3 “(D) In-person demonstration of the applicant’s ability to lock, load, un-
4 load, fire and store a firearm before an instructor certified by a law
5 enforcement agency. This requirement may be met separately from the other
6 course requirements in subparagraphs (A), (B) and (C) of **this** paragraph
7 [(c)], which may be completed in an [on-line] **online** course, provided the
8 [on-line] **online** course has been conducted by a trainer certified by law
9 enforcement.

10 “[d] (c) Proof of successful completion of a training course in order to
11 meet the requirements for a concealed handgun license issued under ORS
12 166.291 and 166.292 may be submitted for a permit as a substitute for the
13 requirements in paragraph [(c)] (b) of this subsection, provided the completed
14 course included each of the components set forth in paragraph [(c)] (b) of
15 this subsection.

16 “(9) The department may adopt rules to carry out the provisions of this
17 section.”.

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