

# Senate Bill 548

Sponsored by Senator THATCHER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes sheriff of county to issue concealed handgun license to any qualified person who is resident of Oregon.

## A BILL FOR AN ACT

1  
2 Relating to residency requirements for concealed handgun licenses; amending ORS 166.291, 166.295  
3 and 166.297.

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 Oregon concealed  
7 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
8 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

15 (c) Is a resident of [*the county*] **Oregon**;

16 (d) Has no outstanding warrants for arrest;

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

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

19 (A) Completion of any hunter education or hunter safety course approved by the State Depart-  
20 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component  
21 of the course;

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

24 (C) Completion of any firearms safety or training course or class available to the general public  
25 offered by law enforcement, community college, or private or public institution or organization or  
26 firearms training school utilizing instructors certified by the National Rifle Association or a law  
27 enforcement agency if handgun safety was a component of the course;

28 (D) Completion of any law enforcement firearms safety or training course or class offered for  
29 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-  
30 cers if handgun safety was a component of the course;

31 (E) Presents evidence of equivalent experience with a handgun through participation in organ-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ized shooting competition or military service;

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

4 (G) Completion of any firearms training or safety course or class conducted by a firearms in-  
5 structor certified by a law enforcement agency or the National Rifle Association if handgun safety  
6 was a component of the course;

7 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,  
8 of a felony;

9 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
10 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor  
11 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

13 (j) Has not been found to be a person with mental illness and is not subject to an order under  
14 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of  
15 that mental illness;

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

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

23 (A) The person can demonstrate that the person has been convicted only once of a marijuana  
24 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of  
25 the offense, and has not completed a drug diversion program for a marijuana possession offense that  
26 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

27 (B) The person can demonstrate that the person has only once completed a drug diversion pro-  
28 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law  
29 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that  
30 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

31 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
32 107.700 to 107.735 or 163.738;

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

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

35 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-  
36 chasing or possessing a firearm.

37 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.  
38 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of  
39 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

41 (a) The application must state the applicant's legal name, current address and telephone number,  
42 date and place of birth, hair and eye color and height and weight. The application must also list the  
43 applicant's residence address or addresses for the previous three years. The application must contain  
44 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
45 section. The application may include the Social Security number of the applicant if the applicant

1 voluntarily provides this number. The application must be signed by the applicant.

2 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
 3 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
 4 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
 5 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
 6 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
 7 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
 8 check and may not keep any record of the fingerprints. The Department of State Police shall report  
 9 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
 10 Police shall also furnish the sheriff with any information about the applicant that the Department  
 11 of State Police may have in its possession including, but not limited to, manual or computerized  
 12 criminal offender information.

13 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-  
 14 quest. The forms shall be uniform throughout this state in substantially the following form:

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15  
 16  
 17 APPLICATION FOR LICENSE TO CARRY  
 18 CONCEALED HANDGUN

19 Date \_\_\_\_\_

20 I hereby declare as follows:

21 I am a citizen of the United States or a legal resident alien who can document continuous res-  
 22 idency in [*the county*] **Oregon** for at least six months and have declared in writing to the United  
 23 States Citizenship and Immigration Services my intention to become a citizen and can present proof  
 24 of the written declaration to the sheriff at the time of this application. I am at least 21 years of age.  
 25 I have been discharged from the jurisdiction of the juvenile court for more than four years if, while  
 26 a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act  
 27 that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as  
 28 defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity  
 29 under ORS 161.295, of a felony in [*the State of*] Oregon or elsewhere. I have not, within the last four  
 30 years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of  
 31 a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense  
 32 involving controlled substances or completed a court-supervised drug diversion program. There are  
 33 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
 34 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a  
 35 person with mental illness and presently subject to an order prohibiting me from purchasing or  
 36 possessing a firearm because of mental illness. I am not under a court order to participate in as-  
 37 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a  
 38 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-  
 39 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have  
 40 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-  
 41 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge  
 42 from the Armed Forces of the United States. I am not required to register as a sex offender in any  
 43 state. I understand I will be fingerprinted and photographed.

44  
 45 Legal name \_\_\_\_\_

1 Age \_\_\_\_\_ Date of birth \_\_\_\_\_

2 Place of birth \_\_\_\_\_

3 Social Security number \_\_\_\_\_

4 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-  
5 thorized under ORS 166.291. It will be used only as a means of identification.)

6

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

10 1. \_\_\_\_\_

11 2. \_\_\_\_\_

12

13 Height \_\_\_\_\_ Weight \_\_\_\_\_

14 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

15

16 Current address \_\_\_\_\_

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

17

18

19

20 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

21 Phone \_\_\_\_\_

22

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

25

\_\_\_\_\_  
(Signature of Applicant)

26

27

28 Character references.

29

\_\_\_\_\_  
Name: Address

31

\_\_\_\_\_  
Name: Address

32

33  
34 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

35

36 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

37 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

38 License No. \_\_\_\_\_

39

40

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

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

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

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

45 (b) The sheriff may enter into an agreement with the Department of Transportation to produce

1 the concealed handgun license.

2 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-  
3 gaged in the receipt and review of, or an investigation connected with, any application for, or in the  
4 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful  
5 performance of duties under those sections.

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

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

12 (9) For purposes of subsection (1)(c) of this section, a person is a resident of [*a county*] **Oregon**  
13 if the person:

14 (a) Has a current Oregon driver license issued to the person showing a residence address in [*the*  
15 *county*] **Oregon**;

16 (b) Is registered to vote in [*the county*] **Oregon** and has a voter notification card issued to the  
17 person under ORS 247.181 showing a residence address in [*the county*] **Oregon**;

18 (c) Has documentation showing that the person currently leases or owns real property in [*the*  
19 *county*] **Oregon**; or

20 (d) Has documentation showing that the person filed an Oregon tax return for the most recent  
21 tax year showing a residence address in [*the county*] **Oregon**.

22 (10) As used in this section, "drug diversion program" means a program in which a defendant  
23 charged with a marijuana possession offense completes a program under court supervision and in  
24 which the marijuana possession offense is dismissed upon successful completion of the diversion  
25 program.

26 **SECTION 2.** ORS 166.295 is amended to read:

27 166.295. (1)(a) A concealed handgun license is renewable by repeating the procedures set out in  
28 ORS 166.291 and 166.292, except for the requirement to submit fingerprints and provide character  
29 references. A licensee may submit the application for renewal by mail if the licensee:

30 (A) Is an active member of the Armed Forces of the United States, the National Guard of the  
31 United States or the Oregon National Guard; and

32 (B) Submits with the application proof of the licensee's military orders and a copy of the  
33 licensee's military identification.

34 (b) An otherwise expired concealed handgun license continues to be valid for up to 45 days after  
35 the licensee applies for renewal if:

36 (A) The licensee applies for renewal before the original license expires;

37 (B) The licensee has proof of the application for renewal; and

38 (C) The application for renewal has not been denied.

39 (2) If a licensee changes residence, the licensee shall report the change of address **to the is-**  
40 **su**ing sheriff and the sheriff shall issue a new license as a duplication for a change of address. The  
41 license shall expire upon the same date as would the original.

42 **SECTION 3.** ORS 166.297 is amended to read:

43 166.297. (1) The sheriff of a county shall submit annually to the Department of State Police a  
44 report containing the number of concealed handgun licenses revoked **by the sheriff** during the re-  
45 porting period and the reasons for the revocations.

1           (2) The Department of State Police shall compile the reports submitted under subsection (1) of  
2 this section and shall submit the compilation to the Legislative Assembly biennially.  
3 \_\_\_\_\_