

# Senate Bill 1551

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## 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 specified reporters to make report to Department of State Police Firearms Unit that person is experiencing mental health emergency and is danger to self or others with firearm. Directs department, upon receipt of report, to record temporary firearm purchase hold preventing person from purchasing firearm. Provides civil immunity to reporter acting in good faith. Provides that knowingly making false report is criminal offense. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Creates processes for person to obtain relief from firearm purchase hold.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to mental health reporting; and declaring an emergency.

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

4 **SECTION 1. (1) For the purposes of this section and section 2 of this 2016 Act:**

5 (a) "Health care provider" means an individual licensed, certified or otherwise authorized  
6 or permitted by the laws of this state or another state to administer health care services in  
7 the ordinary course of business or practice of a profession.

8 (b) "Licensed mental health professional" includes a clinical social worker licensed under  
9 ORS 675.530 and a professional counselor or therapist licensed by the Oregon Board of Li-  
10 censed Professional Counselors and Therapists under ORS 675.715 to 675.835.

11 (c) "Physician" means a person who holds a degree of Doctor of Medicine or Doctor of  
12 Osteopathy and is licensed under ORS chapter 677 and a person who holds a degree of Doctor  
13 of Naturopathic Medicine and is licensed under ORS chapter 685.

14 (2) A reporter described in subsection (3) of this section may make a report to the De-  
15 partment of State Police Firearms Unit that a person is experiencing a mental health  
16 emergency and poses a danger to self or others with a firearm.

17 (3) The reporters that may make a report described in subsection (2) of this section are:

18 (a) A physician;

19 (b) A health care provider;

20 (c) A licensed mental health professional;

21 (d) An educator or principal at a school who has had direct contact with the person;

22 (e) An administrator, instructor or professor at a college or university who has had di-  
23 rect contact with the person; or

24 (f) An immediate family member, as that term is defined in ORS 60.801, of the person.

25 (4)(a) Upon receipt of a report described in subsection (2) of this section, the department  
26 shall ensure that a firearm purchase hold record is created that prevents the person from  
27 receiving a unique approval number authorizing the person to purchase a firearm for a pe-

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 riod of 30 days from the date of the report.

2 (b) At the end of the 30th day after receiving the report, the department shall cause the  
3 firearm purchase hold to be removed.

4 (c) The department may not notify the person:

5 (A) Of the existence of the hold unless the person attempts to purchase a firearm.

6 (B) Of the date of expiration of the hold.

7 (C) Of the identity of the reporter.

8 (5) A reporter who makes a report described in subsection (2) of this section is immune  
9 from civil liability for making the report as long as the report is made in good faith.

10 (6) The department shall adopt rules concerning receiving and documenting the reports  
11 described in subsection (2) of this section and implementing and removing the firearm pur-  
12 chase holds described in subsection (4) of this section. The rules must establish a telephone  
13 number or Internet website with which to make a report.

14 (7) Knowingly making a false report described in subsection (2) of this section is a Class  
15 A misdemeanor.

16 **SECTION 2.** (1) A person prevented from obtaining a firearm by a firearm purchase hold  
17 under section 1 of this 2016 Act may obtain relief from the hold as described in subsections  
18 (2) and (3) of this section.

19 (2) A person described in subsection (1) of this section may obtain documentation from  
20 a health care provider that the person is not a danger to self or others and provide the  
21 documentation to the Department of State Police Firearms Unit. Upon receipt of the doc-  
22 umentation, the department shall cause the firearm purchase hold to be removed.

23 (3)(a) A person described in subsection (1) of this section may file a petition for relief  
24 from the firearm purchase hold with the circuit court in the person's county of residence.  
25 A person petitioning for relief under this subsection shall serve a copy of the petition on the  
26 Department of State Police Firearms Unit at the same time the petition is filed with the  
27 court.

28 (b) Petitions filed under this subsection shall be heard within five judicial days of filing.  
29 The judge shall then make findings and conclusions and issue a judgment based on the  
30 findings and conclusions in accordance with the requirements of law.

31 (c) Relief from the firearm purchase hold shall be granted when the person demonstrates,  
32 by clear and convincing evidence, that the person does not pose a danger to self or others  
33 with a firearm.

34 (d) A person filing a petition under this section shall pay the filing fee established under  
35 ORS 21.135.

36 (e) When a petition is granted, the judge shall cause the department to be notified of the  
37 relief from the firearm purchase hold. Upon receipt of the notification, the department shall  
38 cause the firearm purchase hold to be removed.

39 (f) Notwithstanding the provisions of ORS 9.320, a public body as defined in ORS 174.109,  
40 a public official as defined in ORS 244.020 or the reporter who made the report described in  
41 section 1 of this 2016 Act, without appearance by attorney, may appear as a party to an  
42 action under this section.

43 **SECTION 3.** This 2016 Act being necessary for the immediate preservation of the public  
44 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect  
45 on its passage.

