

SENATE AMENDMENTS TO SENATE BILL 796

By COMMITTEE ON JUDICIARY

May 7

1 On page 1 of the printed bill, line 2, after the first semicolon insert “creating new provisions;”.

2 Delete lines 4 through 31 and delete pages 2 through 11 and insert:

3 “**SECTION 1.** ORS 166.291 is amended to read:

4 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed

5 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set

6 out in this section, shall issue the person a concealed handgun license if the person:

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

8 “(B) Is a legal resident alien who can document continuous residency in the county for at least

9 six months and has declared in writing to the United States Citizenship and Immigration Services

10 the intent to acquire citizenship status and can present proof of the written declaration to the

11 sheriff at the time of application for the license;

12 “(b) Is at least 21 years of age;

13 “(c) Is a resident of the county;

14 “(d) Has no outstanding warrants for arrest;

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

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

17 “(A) Completion of any hunter education or hunter safety course approved by the State De-

18 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-

19 nent of the course;

20 “(B) Completion of any National Rifle Association firearms safety or training course if handgun

21 safety was a component of the course;

22 “(C) Completion of any firearms safety or training course or class available to the general public

23 offered by law enforcement, community college, or private or public institution or organization or

24 firearms training school utilizing instructors certified by the National Rifle Association or a law

25 enforcement agency if handgun safety was a component of the course;

26 “(D) Completion of any law enforcement firearms safety or training course or class offered for

27 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-

28 cers if handgun safety was a component of the course;

29 “(E) Presents evidence of equivalent experience with a handgun through participation in or-

30 ganized shooting competition or military service;

31 “(F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been

32 revoked; or

33 “(G) Completion of any firearms training or safety course or class conducted by a firearms in-

34 structor certified by a law enforcement agency or the National Rifle Association if handgun safety

35 was a component of the course;

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

3 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
4 161.295, of a misdemeanor within the four years prior to the application;

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

6 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
7 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

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

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

15 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-
16 pleted a court-supervised drug diversion program under ORS 135.907; or

17 “(B) The person has completed a court-supervised drug diversion program under ORS 135.907
18 and has not been convicted of violating ORS 475.864 (3);

19 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
20 107.700 to 107.735 or 163.738;

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

22 “(o) Is not required to register as a sex offender in any state.

23 “(2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter
24 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws
25 of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
26 (1)(g) to (L) of this section.

27 “(3) Before the sheriff may issue a license:

28 “(a) The application must state the applicant’s legal name, current address and telephone num-
29 ber, date and place of birth, hair and eye color and height and weight. The application must also list
30 the applicant’s residence address or addresses for the previous three years. The application must
31 contain a statement by the applicant that the applicant meets the requirements of subsection (1)
32 of this section. The application may include the Social Security number of the applicant if the applicant
33 voluntarily provides this number. The application must be signed by the applicant.

34 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
35 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
36 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
37 records check is necessary, the sheriff shall request the Department of State Police to conduct the
38 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
39 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
40 check and may not keep any record of the fingerprints. The Department of State Police shall report
41 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
42 Police shall also furnish the sheriff with any information about the applicant that the Department
43 of State Police may have in its possession including, but not limited to, manual or computerized
44 criminal offender information.

45 “(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-

1 quest. The forms shall be uniform throughout this state in substantially the following form:

2 “ _____

3
4 APPLICATION FOR LICENSE TO CARRY
5 CONCEALED HANDGUN

6 Date _____

7 I hereby declare as follows:

8 I am a citizen of the United States or a legal resident alien who can document continuous res-
9 idency in the county for at least six months and have declared in writing to the United States Cit-
10 izenship and Immigration Services my intention to become a citizen and can present proof of the
11 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
12 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
13 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
14 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
15 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
16 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
17 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
18 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
19 volving controlled substances or completed a court-supervised drug diversion program. There are
20 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
21 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
22 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
23 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
24 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
25 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-
26 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738.
27 I have never received a dishonorable discharge from the Armed Forces of the United States. I am
28 not required to register as a sex offender in any state. I understand I will be fingerprinted and
29 photographed.

30
31 Legal name _____
32 Age _____ Date of birth _____
33 Place of birth _____
34 Social Security number _____

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

37
38 Proof of identification (Two pieces of current identification are required, one of which must bear a
39 photograph of the applicant. The type of identification and the number on the identification are to
40 be filled in by the sheriff.):

- 41 1. _____
42 2. _____

43
44 Height _____ Weight _____
45 Hair color _____ Eye color _____

1 Current address _____

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

5 City _____ County _____ Zip _____

6 Phone _____

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

(Signature of Applicant)

13 Character references.

14 _____

15 Name Address

16 _____

17 Name Address

19 Approved _____ Disapproved _____ by _____

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

22 Date _____ Fee Paid _____

23 License No. _____

24 “ _____

26 “(5)(a) Fees for concealed handgun licenses are:

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

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

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

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

32 “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative
33 engaged in the receipt and review of, or an investigation connected with, any application for, or in
34 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the
35 lawful performance of duties under those sections.

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

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

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

44 “(a) Has a current Oregon driver license issued to the person showing a residence address in
45 the county;

1 “(b) Is registered to vote in the county and has a memorandum card issued to the person under
2 ORS 247.181 showing a residence address in the county;

3 “(c) Has documentation showing that the person currently leases or owns real property in the
4 county; or

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

7 “(10) For the purposes of demonstrating competence with a handgun under subsection
8 (1)(f)(A), (B), (C), (D) or (G) of this section, the course or class must be taught by an in-
9 structor who is physically present in the classroom, the applicant must attend the course
10 or class in person and the applicant may not take the course or class on the Internet or via
11 other electronic means.

12 “**SECTION 2.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and
13 section 34, chapter 547, Oregon Laws 2011, is amended to read:

14 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed
15 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
16 out in this section, shall issue the person a concealed handgun license if the person:

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

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

22 “(b) Is at least 21 years of age;

23 “(c) Is a resident of the county;

24 “(d) Has no outstanding warrants for arrest;

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

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

27 “(A) Completion of any hunter education or hunter safety course approved by the State De-
28 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-
29 nent of the course;

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

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

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

39 “(E) Presents evidence of equivalent experience with a handgun through participation in or-
40 ganized shooting competition or military service;

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

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

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

3 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
4 161.295, of a misdemeanor within the four years prior to the application;

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

6 “(j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
7 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

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

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

15 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-
16 pleted a court-supervised drug diversion program under ORS 135.907; or

17 “(B) The person has completed a court-supervised drug diversion program under ORS 135.907
18 and has not been convicted of violating ORS 475.864 (3);

19 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
20 107.700 to 107.735 or 163.738;

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

22 “(o) Is not required to register as a sex offender in any state.

23 “(2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
24 has had the person’s record expunged under the laws of this state or equivalent laws of other ju-
25 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

26 “(3) Before the sheriff may issue a license:

27 “(a) The application must state the applicant’s legal name, current address and telephone num-
28 ber, date and place of birth, hair and eye color and height and weight. The application must also list
29 the applicant’s residence address or addresses for the previous three years. The application must
30 contain a statement by the applicant that the applicant meets the requirements of subsection (1)
31 of this section. The application may include the Social Security number of the applicant if the applicant
32 voluntarily provides this number. The application must be signed by the applicant.

33 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
34 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
35 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
36 records check is necessary, the sheriff shall request the Department of State Police to conduct the
37 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
38 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
39 check and may not keep any record of the fingerprints. The Department of State Police shall report
40 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
41 Police shall also furnish the sheriff with any information about the applicant that the Department
42 of State Police may have in its possession including, but not limited to, manual or computerized
43 criminal offender information.

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

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APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

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

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

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

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

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____
Current address _____

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

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City _____ County _____ Zip _____

Phone _____

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

(Signature of Applicant)

Character references.

Name: Address

Name: Address

Approved _____ Disapproved _____ by _____

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

Date _____ Fee Paid _____

License No. _____

“ _____

- “(5)(a) Fees for concealed handgun licenses are:
 - “(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - “(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- “(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- “(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.
- “(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.
- “(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:
 - “(a) Has a current Oregon driver license issued to the person showing a residence address in the county;
 - “(b) Is registered to vote in the county and has a memorandum card issued to the person under

1 ORS 247.181 showing a residence address in the county;

2 “(c) Has documentation showing that the person currently leases or owns real property in the
3 county; or

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

6 **“(10) For the purposes of demonstrating competence with a handgun under subsection
7 (1)(f)(A), (B), (C), (D) or (G) of this section, the course or class must be taught by an in-
8 structor who is physically present in the classroom, the applicant must attend the course
9 or class in person and the applicant may not take the course or class on the Internet or via
10 other electronic means.**

11 **“SECTION 3. The amendments to ORS 166.291 by sections 1 and 2 of this 2013 Act apply
12 only to applications for a concealed handgun license submitted on or after the effective date
13 of this 2013 Act.**

14 **“SECTION 4. This 2013 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
16 on its passage.”.**

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