

**PROPOSED AMENDMENTS TO  
SENATE BILL 796**

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

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

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

5 “166.291. (1) The sheriff of a county, upon a person’s application for an  
6 Oregon concealed handgun license, upon receipt of the appropriate fees and  
7 after compliance with the procedures set out in this section, shall issue the  
8 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  
11 the county for at least six months and has declared in writing to the United  
12 States Citizenship and Immigration Services the intent to acquire citizenship  
13 status and can present proof of the written declaration to the sheriff at the  
14 time of application for the license;

15 “(b) Is at least 21 years of age;

16 “(c) Is a resident of the county;

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

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

19 “(f) Demonstrates competence with a handgun by any one of the follow-  
20 ing:

21 “(A) Completion of any hunter education or hunter safety course approved  
22 by the State Department of Fish and Wildlife or a similar agency of another

1 state if handgun safety was a component of the course;

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

4 “(C) Completion of any firearms safety or training course or class avail-  
5 able to the general public offered by law enforcement, community college,  
6 or private or public institution or organization or firearms training school  
7 utilizing instructors certified by the National Rifle Association or a law  
8 enforcement agency if handgun safety was a component of the course;

9 “(D) Completion of any law enforcement firearms safety or training  
10 course or class offered for security guards, investigators, reserve law  
11 enforcement officers or any other law enforcement officers if handgun safety  
12 was a component of the course;

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

15 “(F) Is licensed or has been licensed to carry a firearm in this state, un-  
16 less the license has been revoked; or

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

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

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

25 “(i) Has not been committed to the Oregon Health Authority under ORS  
26 426.130;

27 “(j) Has not been found to be mentally ill and is not subject to an order  
28 under ORS 426.130 that the person be prohibited from purchasing or pos-  
29 sessed a firearm as a result of that mental illness;

30 “(k) Has been discharged from the jurisdiction of the juvenile court for

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

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

8 “(A) The person has been convicted only once of violating ORS 475.864  
9 (3) and has not completed a court-supervised drug diversion program under  
10 ORS 135.907; or

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

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

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

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

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

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

24 “(a) The application must state the applicant’s legal name, current ad-  
25 dress and telephone number, date and place of birth, hair and eye color and  
26 height and weight. The application must also list the applicant’s residence  
27 address or addresses for the previous three years. The application must con-  
28 tain a statement by the applicant that the applicant meets the requirements  
29 of subsection (1) of this section. The application may include the Social Se-  
30 curity number of the applicant if the applicant voluntarily provides this

1 number. The application must be signed by the applicant.

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

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

19 “ \_\_\_\_\_

20 APPLICATION FOR LICENSE TO CARRY  
21 CONCEALED HANDGUN

22 Date\_\_\_\_\_

23 I hereby declare as follows:

24 I am a citizen of the United States or a legal resident alien who can  
25 document continuous residency in the county for at least six months and  
26 have declared in writing to the United States Citizenship and Immigration  
27 Services my intention to become a citizen and can present proof of the  
28 written declaration to the sheriff at the time of this application. I am at least  
29 21 years of age. I have been discharged from the jurisdiction of the juvenile  
30 court for more than four years if, while a minor, I was found to be within

1 the jurisdiction of the juvenile court for having committed an act that, if  
2 committed by an adult, would constitute a felony or a misdemeanor involving  
3 violence, as defined in ORS 166.470. I have never been convicted of a felony  
4 or found guilty, except for insanity under ORS 161.295, of a felony in the  
5 State of Oregon or elsewhere. I have not, within the last four years, been  
6 convicted of a misdemeanor or found guilty, except for insanity under ORS  
7 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have  
8 not been convicted of an offense involving controlled substances or com-  
9 pleted a court-supervised drug diversion program. There are no outstanding  
10 warrants for my arrest and I am not free on any form of pretrial release. I  
11 have not been committed to the Oregon Health Authority under ORS 426.130,  
12 nor have I been found mentally ill and presently subject to an order pro-  
13 hibiting me from purchasing or possessing a firearm because of mental ill-  
14 ness. If any of the previous conditions do apply to me, I have been granted  
15 relief or wish to petition for relief from the disability under ORS 166.274 or  
16 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or  
17 have had the records expunged. I am not subject to a citation issued under  
18 ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or  
19 163.738. I have never received a dishonorable discharge from the Armed  
20 Forces of the United States. I am not required to register as a sex offender  
21 in any state. I understand I will be fingerprinted and photographed.

22

23 Legal name \_\_\_\_\_  
24 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
25 Place of birth \_\_\_\_\_  
26 Social Security number \_\_\_\_\_

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

30

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

4 1. \_\_\_\_\_

5 2. \_\_\_\_\_

6

7 Height \_\_\_\_\_ Weight \_\_\_\_\_

8 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

9

10 Current address \_\_\_\_\_

11

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

12

13

14 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

15 Phone \_\_\_\_\_

16

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

20

\_\_\_\_\_

21

(Signature of Applicant)

22

23 Character references.

24 \_\_\_\_\_

25 Name Address

26 \_\_\_\_\_

27 Name Address

28

29 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

30

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

2 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

3 License No. \_\_\_\_\_

4 “ \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

30 “(b) Is registered to vote in the county and has a memorandum card is-

1 sued to the person under ORS 247.181 showing a residence address in the  
2 county;

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

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

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

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

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

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

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

26 “(b) Is at least 21 years of age;

27 “(c) Is a resident of the county;

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

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

30 “(f) Demonstrates competence with a handgun by any one of the follow-



1 ing:

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

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

7 “(C) Completion of any firearms safety or training course or class avail-  
8 able to the general public offered by law enforcement, community college,  
9 or private or public institution or organization or firearms training school  
10 utilizing instructors certified by the National Rifle Association or a law  
11 enforcement agency if handgun safety was a component of the course;

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

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

18 “(F) Is licensed or has been licensed to carry a firearm in this state, un-  
19 less the license has been revoked; or

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

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

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

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

30 “(j) Has not been found to be mentally ill and is not subject to an order

1 under ORS 426.130 that the person be prohibited from purchasing or pos-  
2 sessing a firearm as a result of that mental illness;

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

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

11 “(A) The person has been convicted only once of violating ORS 475.864  
12 (3) and has not completed a court-supervised drug diversion program under  
13 ORS 135.907; or

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

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

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

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

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

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

26 “(a) The application must state the applicant’s legal name, current ad-  
27 dress and telephone number, date and place of birth, hair and eye color and  
28 height and weight. The application must also list the applicant’s residence  
29 address or addresses for the previous three years. The application must con-  
30 tain a statement by the applicant that the applicant meets the requirements

1 of subsection (1) of this section. The application may include the Social Se-  
2 curity number of the applicant if the applicant voluntarily provides this  
3 number. The application must be signed by the applicant.

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

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

21 “ \_\_\_\_\_

22 APPLICATION FOR LICENSE TO CARRY  
23 CONCEALED HANDGUN

24 Date\_\_\_\_\_

25 I hereby declare as follows:

26 I am a citizen of the United States or a legal resident alien who can  
27 document continuous residency in the county for at least six months and  
28 have declared in writing to the United States Citizenship and Immigration  
29 Services my intention to become a citizen and can present proof of the  
30 written declaration to the sheriff at the time of this application. I am at least

1 21 years of age. I have been discharged from the jurisdiction of the juvenile  
2 court for more than four years if, while a minor, I was found to be within  
3 the jurisdiction of the juvenile court for having committed an act that, if  
4 committed by an adult, would constitute a felony or a misdemeanor involving  
5 violence, as defined in ORS 166.470. I have never been convicted of a felony  
6 or found guilty, except for insanity under ORS 161.295, of a felony in the  
7 State of Oregon or elsewhere. I have not, within the last four years, been  
8 convicted of a misdemeanor or found guilty, except for insanity under ORS  
9 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have  
10 not been convicted of an offense involving controlled substances or com-  
11 pleted a court-supervised drug diversion program. There are no outstanding  
12 warrants for my arrest and I am not free on any form of pretrial release. I  
13 have not been committed to the Oregon Health Authority under ORS 426.130,  
14 nor have I been found mentally ill and presently subject to an order pro-  
15 hibiting me from purchasing or possessing a firearm because of mental ill-  
16 ness. If any of the previous conditions do apply to me, I have been granted  
17 relief or wish to petition for relief from the disability under ORS 166.274 or  
18 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not sub-  
19 ject to a citation issued under ORS 163.735 or an order issued under ORS  
20 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable  
21 discharge from the Armed Forces of the United States. I am not required  
22 to register as a sex offender in any state. I understand I will be fingerprinted  
23 and photographed.

24

25 Legal name \_\_\_\_\_

26 Age \_\_\_\_\_ Date of birth \_\_\_\_\_

27 Place of birth \_\_\_\_\_

28 Social Security number \_\_\_\_\_

29 (Disclosure of your Social Security account number is voluntary. Solicita-  
30 tion of the number is authorized under ORS 166.291. It will be used only as

1 a means of identification.)

2

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

6 1. \_\_\_\_\_

7 2. \_\_\_\_\_

8

9 Height \_\_\_\_\_ Weight \_\_\_\_\_

10 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

11

12 Current address \_\_\_\_\_

13

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

14

15

16 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

17 Phone \_\_\_\_\_

18

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

22

\_\_\_\_\_

23

(Signature of Applicant)

24

25 Character references.

26

\_\_\_\_\_

27

Name: Address

28

\_\_\_\_\_

29

Name: Address

30

1 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

2

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

4 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

5 License No. \_\_\_\_\_

6 “ \_\_\_\_\_

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

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

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

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

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

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

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

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

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

30 “(a) Has a current Oregon driver license issued to the person showing a

1 residence address in the county;

2 “(b) Is registered to vote in the county and has a memorandum card is-  
3 sued to the person under ORS 247.181 showing a residence address in the  
4 county;

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

7 “(d) Has documentation showing that the person filed an Oregon tax re-  
8 turn for the most recent tax year showing a residence address in the county.

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

15 **“SECTION 3. The amendments to ORS 166.291 by sections 1 and 2**  
16 **of this 2013 Act apply only to applications for a concealed handgun li-**  
17 **cence submitted on or after the effective date of this 2013 Act.**

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

21

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