

**B-Engrossed**  
**House Bill 4068**

Ordered by the Senate February 25  
Including House Amendments dated February 14 and Senate Amendments  
dated February 25

Sponsored by Representatives GOMBERG, THATCHER; Representatives BARKER, ESQUIVEL, KRIEGER,  
WEIDNER, Senator PROZANSKI (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.

Modifies requirements for concealed handgun license applicants. Provides that either single conviction or single completed drug diversion program for marijuana possession does not disqualify applicant if offense was violation or misdemeanor.

Defines "drug diversion program" for purposes of statute.

**A BILL FOR AN ACT**

1  
2 Relating to concealed handgun license applicants previously charged with marijuana offenses; cre-  
3 ating new provisions; and amending ORS 166.291.

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 for at least  
11 six months and has declared in writing to the United States Citizenship and Immigration Services  
12 the intent to acquire citizenship status and can present proof of the written declaration to the  
13 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;

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

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

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

5 (E) Presents evidence of equivalent experience with a handgun through participation in organ-  
6 ized shooting competition or military service;

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

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

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

14 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
15 161.295, of a misdemeanor within the four years prior to the application, **including a misdemeanor**  
16 **conviction for the possession of marijuana as described in paragraph (L) of this subsection;**

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

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

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

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

28 *[(A) The person has been convicted only once of violating ORS 475.864 (3)(c) and has not completed*  
29 *a court-supervised drug diversion program under ORS 135.907; or]*

30 *[(B) The person has completed a court-supervised drug diversion program under ORS 135.907 and*  
31 *has not been convicted of violating ORS 475.864 (3)(c);]*

32 **(A) The person can demonstrate that the person has been convicted only once of a**  
33 **marijuana possession offense that constituted a misdemeanor or violation under the law of**  
34 **the jurisdiction of the offense, and has not completed a drug diversion program for a**  
35 **marijuana possession offense that constituted a misdemeanor or violation under the law of**  
36 **the jurisdiction of the offense; or**

37 **(B) The person can demonstrate that the person has only once completed a drug diver-**  
38 **sion program for a marijuana possession offense that constituted a misdemeanor or violation**  
39 **under the law of the jurisdiction of the offense, and has not been convicted of a marijuana**  
40 **possession offense that constituted a misdemeanor or violation under the law of the juris-**  
41 **isdiction of the offense;**

42 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
43 107.700 to 107.735 or 163.738;

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

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

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

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

6 (a) The application must state the applicant's legal name, current address and telephone number,  
7 date and place of birth, hair and eye color and height and weight. The application must also list the  
8 applicant's residence address or addresses for the previous three years. The application must contain  
9 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
10 section. The application may include the Social Security number of the applicant if the applicant  
11 voluntarily provides this number. The application must be signed by the applicant.

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

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

25 \_\_\_\_\_  
26  
27 APPLICATION FOR LICENSE TO CARRY  
28 CONCEALED HANDGUN

29 Date\_\_\_\_\_

30 I hereby declare as follows:

31 I am a citizen of the United States or a legal resident alien who can document continuous res-  
32 idency in the county for at least six months and have declared in writing to the United States Cit-  
33 izenship and Immigration Services my intention to become a citizen and can present proof of the  
34 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
35 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
36 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
37 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
38 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
39 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
40 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
41 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
42 volving controlled substances or completed a court-supervised drug diversion program. There are  
43 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
44 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a  
45 person with mental illness and presently subject to an order prohibiting me from purchasing or

1 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I  
2 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or  
3 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records  
4 expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS  
5 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed  
6 Forces of the United States. I am not required to register as a sex offender in any state. I under-  
7 stand I will be fingerprinted and photographed.

8  
9 Legal name \_\_\_\_\_  
10 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
11 Place of birth \_\_\_\_\_  
12 Social Security number \_\_\_\_\_

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

15  
16 Proof of identification (Two pieces of current identification are required, one of which must bear a  
17 photograph of the applicant. The type of identification and the number on the identification are to  
18 be filled in by the sheriff.):

- 19 1. \_\_\_\_\_
- 20 2. \_\_\_\_\_

21  
22 Height \_\_\_\_\_ Weight \_\_\_\_\_  
23 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

24  
25 Current address \_\_\_\_\_

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

26  
27  
28  
29 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
30 Phone \_\_\_\_\_

31  
32 I have read the entire text of this application, and the statements therein are correct and true.  
33 (Making false statements on this application is a misdemeanor.)

34 \_\_\_\_\_  
35 (Signature of Applicant)

36  
37 Character references.

38 \_\_\_\_\_

Name	Address
Name	Address

40 \_\_\_\_\_

41  
42  
43 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

44  
45 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

1 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

2 License No. \_\_\_\_\_

3

4

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

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

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

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

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

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

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

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

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

23 (a) Has a current Oregon driver license issued to the person showing a residence address in the  
24 county;

25 (b) Is registered to vote in the county and has a voter notification card issued to the person  
26 under ORS 247.181 showing a residence address in the county;

27 (c) Has documentation showing that the person currently leases or owns real property in the  
28 county; or

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

31 **(10) As used in this section, "drug diversion program" means a program in which a de-**  
32 **fendant charged with a marijuana possession offense completes a program under court**  
33 **supervision and in which the marijuana possession offense is dismissed upon successful**  
34 **completion of the diversion program.**

35 **SECTION 2.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section  
36 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,  
37 Oregon Laws 2013, and section 7, chapter 591, Oregon Laws 2013, is amended to read:

38 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
39 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
40 out in this section, shall issue the person a concealed handgun license if the person:

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

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

- 1 (b) Is at least 21 years of age;
- 2 (c) Is a resident of the county;
- 3 (d) Has no outstanding warrants for arrest;
- 4 (e) Is not free on any form of pretrial release;
- 5 (f) Demonstrates competence with a handgun by any one of the following:
  - 6 (A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;
  - 7 (B) Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;
  - 8 (C) Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;
  - 9 (D) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;
  - 10 (E) Presents evidence of equivalent experience with a handgun through participation in organized shooting competition or military service;
  - 11 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been revoked; or
  - 12 (G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;
  - 13 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;
  - 14 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application, **including a misdemeanor conviction for the possession of marijuana as described in paragraph (L) of this subsection;**
  - 15 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;
  - 16 (j) Has not been found to be a person with mental illness and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
  - 17 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person 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;
  - 18 (L) Has not been convicted of an offense involving controlled substances or participated in a court-supervised drug diversion program, except this disability does not operate to exclude a person if:
    - 19 [(A) *The person has been convicted only once of violating ORS 475.864 (3)(c) and has not completed a court-supervised drug diversion program under ORS 135.907; or*]
    - 20 [(B) *The person has completed a court-supervised drug diversion program under ORS 135.907 and has not been convicted of violating ORS 475.864 (3)(c);*]
- 21 (A) **The person can demonstrate that the person has been convicted only once of a**

1 marijuana possession offense that constituted a misdemeanor or violation under the law of  
2 the jurisdiction of the offense, and has not completed a drug diversion program for a  
3 marijuana possession offense that constituted a misdemeanor or violation under the law of  
4 the jurisdiction of the offense; or

5 (B) The person can demonstrate that the person has only once completed a drug diver-  
6 sion program for a marijuana possession offense that constituted a misdemeanor or violation  
7 under the law of the jurisdiction of the offense, and has not been convicted of a marijuana  
8 possession offense that constituted a misdemeanor or violation under the law of the juris-  
9 diction of the offense;

10 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
11 107.700 to 107.735 or 163.738;

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

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

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

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

18 (a) The application must state the applicant’s legal name, current address and telephone number,  
19 date and place of birth, hair and eye color and height and weight. The application must also list the  
20 applicant’s residence address or addresses for the previous three years. The application must contain  
21 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
22 section. The application may include the Social Security number of the applicant if the applicant  
23 voluntarily provides this number. The application must be signed by the applicant.

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

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

37 \_\_\_\_\_  
38  
39 APPLICATION FOR LICENSE TO CARRY  
40 CONCEALED HANDGUN

41 Date\_\_\_\_\_

42 I hereby declare as follows:

43 I am a citizen of the United States or a legal resident alien who can document continuous res-  
44 idency in the county for at least six months and have declared in writing to the United States Cit-  
45 izenship and Immigration Services my intention to become a citizen and can present proof of the

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

19

20 Legal name \_\_\_\_\_  
21 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
22 Place of birth \_\_\_\_\_  
23 Social Security number \_\_\_\_\_

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

26

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

- 30 1. \_\_\_\_\_
- 31 2. \_\_\_\_\_

32

33 Height \_\_\_\_\_ Weight \_\_\_\_\_  
34 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

35

36 Current address \_\_\_\_\_

37

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

38

39

40 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

41 Phone \_\_\_\_\_

42

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

45

\_\_\_\_\_

(Signature of Applicant)

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Character references.

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Name:	Address
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Name:	Address
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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 voter notification card issued to the person under ORS 247.181 showing a residence address in the county;

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

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

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

1        **SECTION 3.** The amendments to ORS 166.291 by sections 1 and 2 of this 2014 Act apply  
2 to applications for concealed handgun licenses submitted on or after the effective date of this  
3 2014 Act.

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