

Senate Bill 941

Sponsored by Senators PROZANSKI, BURDICK, Representatives WILLIAMSON, HOYLE; Senators BATES, DEMBROW, HASS, MONNES ANDERSON, MONROE, RILEY, ROSENBAUM, STEINER HAYWARD, Representatives BARNHART, BUCKLEY, DOHERTY, FAGAN, FREDERICK, GORSEK, GREENLICK, HOLVEY, KENY-GUYER, LININGER, MCLAIN, SMITH WARNER, VEGA PEDERSON

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**.

Requires private person to complete transfer of firearm by appearing with transferee before gun dealer to request criminal background check. Specifies exceptions for family members, law enforcement, inherited firearms and certain temporary transfers. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both, or maximum of 10 years' imprisonment, \$250,000 fine, or both, for second or subsequent offense.

Requires Department of State Police to notify local law enforcement agency when, during criminal background check performed prior to transfer of firearm, department determines that recipient is prohibited from possessing firearm.

Authorizes court to prohibit person ordered to participate in assisted outpatient treatment from purchasing or possessing firearm during period of treatment if certain criteria are met.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 166.250, 166.291, 166.412, 166.422,
3 166.432, 166.433, 166.434, 166.436, 166.438, 166.460, 166.470, 181.150, 181.740 and 426.133; and de-
4 claring an emergency.

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

6 **SECTION 1. Section 2 of this 2015 Act and the amendments to ORS 166.250, 166.291,**
7 **166.412, 166.422, 166.432, 166.433, 166.434, 166.436, 166.438, 166.460, 166.470, 181.150, 181.740 and**
8 **426.133 by sections 3 to 19 of this 2015 Act shall be known and may be cited as the "Oregon**
9 **Firearms Safety Act."**

10 **SECTION 2. (1) As used in this section:**

11 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, in-
12 cluding, but not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not
13 include the temporary provision of a firearm to a transferee if the transferor has no reason
14 to believe the transferee is prohibited from possessing a firearm or intends to use the
15 firearm in the commission of a crime, and the provision occurs:

16 (A) At a shooting range, shooting gallery or other area designed for the purpose of target
17 shooting, for use during target practice, a firearms safety or training course or class or a
18 similar lawful activity;

19 (B) For the purpose of hunting, trapping or target shooting, during the time in which the
20 transferee is engaged in activities related to hunting, trapping or target shooting;

21 (C) Under circumstances in which the transferee and the firearm are in the presence of
22 the transferor;

23 (D) To a transferee who is in the business of repairing firearms, for the time during
24 which the firearm is being repaired;

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 (E) To a transferee who is in the business of making or repairing custom accessories for
2 firearms, for the time during which the accessories are being made or repaired; or

3 (F) For the purpose of preventing imminent death or serious physical injury, and the
4 provision lasts only as long as is necessary to prevent the death or serious physical injury.

5 (b) "Transferee" means a person who is not a gun dealer or licensed as a manufacturer
6 or importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

7 (c) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer
8 or importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

9 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a
10 transferor may not transfer a firearm to a transferee unless the transfer is completed
11 through a gun dealer as described in subsection (3) of this section.

12 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this sec-
13 tion. Both the transferor and the transferee must first appear in person before a gun dealer,
14 with the firearm, and request that the gun dealer perform a criminal background check on
15 the transferee.

16 (b) A gun dealer who agrees to complete a transfer of a firearm under this section shall
17 request a criminal history record check as described in ORS 166.412 and shall comply with
18 all requirements of federal law as though transferring the firearm from the gun dealer's in-
19 ventory.

20 (c) If, upon completion of a criminal background check, the gun dealer:

21 (A) Receives a unique approval number from the Department of State Police indicating
22 that the transferee is qualified to complete the transfer, the gun dealer shall notify the
23 transferor and the transferor may transfer the firearm to the transferee.

24 (B) Receives notification that the transferee is prohibited by state or federal law from
25 possessing or receiving the firearm, the gun dealer shall notify the transferor and return the
26 firearm to the transferor and the transferor may not transfer the firearm to the transferee.

27 (d) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant
28 to this section.

29 (4) The requirements of subsections (2) and (3) of this section do not apply to:

30 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law
31 enforcement officer, private security professional or member of the Armed Forces of the
32 United States, while that person is acting within the scope of official duties.

33 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a
34 law enforcement agency receives or purchases firearms from members of the public.

35 (c) The transfer of a firearm to:

36 (A) A transferor's spouse or domestic partner;

37 (B) A transferor's parent or stepparent;

38 (C) A transferor's child or stepchild;

39 (D) A transferor's sibling;

40 (E) A transferor's grandparent;

41 (F) A transferor's grandchild;

42 (G) A transferor's aunt or uncle;

43 (H) A transferor's first cousin;

44 (I) A transferor's niece or nephew; or

45 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of

1 **this paragraph.**

2 **(d) The transfer of a firearm that occurs because of the death of the firearm owner,**
 3 **provided that:**

4 **(A) The transfer is conducted or facilitated by a personal representative, as defined in**
 5 **ORS 111.005, or a trustee of a trust created in a will; and**

6 **(B) The transferee is related to the deceased firearm owner in a manner specified in**
 7 **paragraph (c) of this subsection.**

8 **(5)(a) A transferor who fails to comply with the requirements of this section commits a**
 9 **Class A misdemeanor.**

10 **(b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply**
 11 **with the requirements of this section commits a Class B felony if the transferor has a pre-**
 12 **vious conviction under this section at the time of the offense.**

13 **SECTION 3.** ORS 166.436 is amended to read:

14 166.436. (1) The Department of State Police shall make the telephone number established under
 15 ORS 166.412 (5) available for requests **for criminal background checks under this section** from
 16 persons [*other than*] **who are not gun dealers and who are transferring firearms at gun shows**
 17 [*for criminal background checks under this section*].

18 (2) Prior to transferring a firearm **at a gun show**, a transferor [*other than*] **who is not** a gun
 19 dealer may request by telephone that the department conduct a criminal background check on the
 20 recipient and shall provide the following information to the department:

- 21 (a) The name, address and telephone number of the transferor;
- 22 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 23 (c) The name, date of birth, race, sex and address of the recipient;
- 24 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;
- 25 (e) The address of the place where the transfer is occurring; and
- 26 (f) The type, issuer and identification number of a current piece of identification bearing a re-
- 27 cent photograph of the recipient presented by the recipient. The identification presented by the re-
- 28 cipient must meet the requirements of ORS 166.412 (4)(a).

29 (3)(a) Upon receipt of a request for a criminal background check under this section, the de-
 30 partment shall immediately, during the telephone call or by return call:

31 (A) Determine from criminal records and other information available to it whether the recipient
 32 is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state
 33 or federal law from possessing a firearm; and

34 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide
 35 the transferor with a unique approval number indicating that the recipient is qualified to complete
 36 the transfer. The unique approval number is a permit valid for 24 hours for the requested transfer.
 37 If the firearm is not transferred from the transferor to the recipient within 24 hours after receipt
 38 of the unique approval number, a new request must be made by the transferor.

39 (b) If the department is unable to determine whether the recipient is qualified for or disqualified
 40 from completing the transfer within 30 minutes of receiving the request, the department shall notify
 41 the transferor and provide the transferor with an estimate of the time when the department will
 42 provide the requested information.

43 (4) A public employee or public agency incurs no criminal or civil liability for performing the
 44 criminal background checks required by this section, provided the employee or agency acts in good
 45 faith and without malice.

1 (5)(a) The department may retain a record of the information obtained during a request for a
 2 criminal background check under this section for the period of time provided in ORS 166.412 (7).

3 (b) The record of the information obtained during a request for a criminal background check
 4 under this section is exempt from disclosure under public records law.

5 **(c) If the department determines that a recipient is prohibited from possessing a firearm**
 6 **under ORS 166.250 (1)(c), as soon as practicable, the department shall report the attempted**
 7 **transfer and the recipient’s name to the sheriff of the county in which the recipient is at-**
 8 **tempting to complete the transfer of the firearm, and, if applicable, to the chief of police of**
 9 **the city in which the recipient is attempting to complete the transfer of the firearm.**

10 (6) The recipient of the firearm must be present when the transferor requests a criminal back-
 11 ground check under this section.

12 (7)(a) Except as otherwise provided in [paragraphs (b) and (c)] **paragraph (b)** of this subsection,
 13 a transferor who receives notification under this section that the recipient is qualified to complete
 14 the transfer of a firearm, **has the recipient fill out the form required by ORS 166.438 (1)(a) and**
 15 **retains the form as required by ORS 166.438 (2)** is immune from civil liability for any use of the
 16 firearm from the time of the transfer unless the transferor knows, or reasonably should know, that
 17 the recipient is likely to commit an unlawful act involving the firearm.

18 *[(b) If the transferor is required to request a criminal background check under ORS 166.438, the*
 19 *immunity provided by paragraph (a) of this subsection applies only if, in addition to receiving the no-*
 20 *tification required by this section, the transferor has the recipient fill out the form required by ORS*
 21 *166.438 (1)(a) and retains the form as required by ORS 166.438 (2).]*

22 [(c)] **(b)** The immunity provided by paragraph (a) of this subsection does not apply:

23 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends
 24 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may
 25 not lawfully possess the firearm; or

26 (B) In any product liability civil action under ORS 30.900 to 30.920.

27 **SECTION 4.** ORS 166.412 is amended to read:

28 166.412. (1) As used in this section:

29 (a) “Antique firearm” has the meaning given that term in 18 U.S.C. 921;

30 (b) “Department” means the Department of State Police;

31 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include
 32 an antique firearm;

33 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.
 34 921 to 929;

35 (e) “Firearms transaction thumbprint form” means a form provided by the department under
 36 subsection (11) of this section;

37 (f) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
 38 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
 39 otherwise;

40 (g) “Handgun” has the meaning given that term in ORS 166.210; and

41 (h) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a gun
 42 dealer.

43 (2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply
 44 with the following before a handgun is delivered to a purchaser:

45 (a) The purchaser shall present to the dealer current identification meeting the requirements

1 of subsection (4) of this section.

2 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of
3 the purchaser on the record.

4 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction
5 thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to
6 be filed with that copy.

7 (d) The gun dealer shall request by telephone that the department conduct a criminal history
8 record check on the purchaser and shall provide the following information to the department:

9 (A) The federal firearms license number of the gun dealer;

10 (B) The business name of the gun dealer;

11 (C) The place of transfer;

12 (D) The name of the person making the transfer;

13 (E) The make, model, caliber and manufacturer's number of the handgun being transferred;

14 (F) The name and date of birth of the purchaser;

15 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
16 number to the gun dealer; and

17 (H) The type, issuer and identification number of the identification presented by the purchaser.

18 (e) The gun dealer shall receive a unique approval number for the transfer from the department
19 and record the approval number on the firearms transaction record and on the firearms transaction
20 thumbprint form.

21 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
22 completion of the firearms transaction thumbprint form.

23 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
24 partment shall immediately, during the gun dealer's telephone call or by return call:

25 (A) Determine, from criminal records and other information available to it, whether the pur-
26 chaser is disqualified under ORS 166.470 from completing the purchase; and

27 (B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide
28 the dealer with a unique approval number indicating that the purchaser is qualified to complete the
29 transfer.

30 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
31 completing the transfer within 30 minutes, the department shall notify the dealer and provide the
32 dealer with an estimate of the time when the department will provide the requested information.

33 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
34 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close
35 of the gun dealer's next business day following the request by the dealer for a criminal history re-
36 cord check, the dealer may deliver the handgun to the purchaser.

37 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include
38 one piece of current identification bearing a photograph and the date of birth of the purchaser that:

39 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
40 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
41 tional governmental organization or an international quasi-governmental organization; and

42 (B) Is intended to be used for identification of an individual or is commonly accepted for the
43 purpose of identification of an individual.

44 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
45 not include the current address of the purchaser, the purchaser shall present a second piece of

1 current identification that contains the current address of the purchaser. The Superintendent of
 2 State Police may specify by rule the type of identification that may be presented under this para-
 3 graph.

4 (c) The department may require that the dealer verify the identification of the purchaser if that
 5 identity is in question by sending the thumbprints of the purchaser to the department.

6 (5) The department shall establish a telephone number that shall be operational seven days a
 7 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from
 8 dealers for a criminal history record check under this section.

9 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
 10 the investigations required by this section provided the employee, official or agency acts in good
 11 faith and without malice.

12 (7)(a) The department may retain a record of the information obtained during a request for a
 13 criminal [*records*] **history record** check for no more than five years.

14 (b) The record of the information obtained during a request for a criminal [*records*] **history**
 15 **record** check by a gun dealer is exempt from disclosure under public records law.

16 (c) **If the department determines that a purchaser is prohibited from possessing a**
 17 **firearm under ORS 166.250 (1)(c), as soon as practicable, the department shall report the**
 18 **attempted transfer and the purchaser's name to the sheriff of the county in which the pur-**
 19 **chaser is attempting to complete the transfer of the firearm, and, if applicable, to the chief**
 20 **of police of the city in which the purchaser is attempting to complete the transfer of the**
 21 **firearm.**

22 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of
 23 handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal
 24 investigation or under the authority of a properly authorized subpoena or search warrant.

25 (9) When a handgun is delivered, it shall be unloaded.

26 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State
 27 Police may adopt rules necessary for:

28 (a) The design of the firearms transaction thumbprint form;

29 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

30 (c) The provision of a security system to identify dealers who request a criminal history record
 31 check under subsection (2) of this section; and

32 (d) The creation and maintenance of a database of the business hours of gun dealers.

33 (11) The department shall publish the firearms transaction thumbprint form and shall furnish the
 34 form to gun dealers on application at cost.

35 (12) This section does not apply to transactions between persons licensed as dealers under 18
 36 U.S.C. 923.

37 (13)(a) **If requested by a transferor who is not a gun dealer, a gun dealer may request a**
 38 **criminal background check pursuant to ORS 166.438 or section 2 of this 2015 Act and may**
 39 **charge a reasonable fee for providing the service.**

40 (b) **A gun dealer that requests a criminal background check under this subsection is**
 41 **immune from civil liability for any use of the firearm by the recipient or transferee, provided**
 42 **that the gun dealer requests the criminal background check as described in this section.**

43 **SECTION 5.** ORS 166.422 is amended to read:

44 166.422. Where appropriate, a person may enforce the legal duties imposed by ORS 166.412
 45 (7)(a) or (b), by the provisions of ORS 30.260 to 30.300 and ORS chapter 183.

1 **SECTION 6.** ORS 166.432 is amended to read:

2 166.432. (1) As used in ORS 166.412, 166.433, 166.434, 166.436 and 166.438 **and section 2 of this**
 3 **2015 Act**, “criminal background check” or “criminal history record check” means determining the
 4 eligibility of a person to purchase or possess a firearm by reviewing state and federal databases
 5 including, but not limited to, the:

- 6 (a) Oregon computerized criminal history system;
- 7 (b) Oregon mental health data system;
- 8 (c) Law Enforcement Data System;
- 9 (d) National Instant Criminal Background Check System; and
- 10 (e) Stolen guns system.

11 (2) As used in ORS 166.433, 166.434, 166.436, 166.438 and 166.441 **and section 2 of this 2015**
 12 **Act:**

- 13 (a) “Gun dealer” has the meaning given that term in ORS 166.412.
- 14 (b) “Gun show” means an event at which more than 25 firearms are on site and available for
 15 transfer.

16 **SECTION 7.** ORS 166.433 is amended to read:

17 166.433. The people of this state find that:

18 (1) The laws of Oregon regulating the sale of firearms contain a loophole that allows people
 19 other than gun dealers to sell firearms at gun shows without first conducting criminal background
 20 checks; **and**

21 (2) It is necessary for the safety of the people of Oregon that any person who transfers a firearm
 22 at a gun show be required to request a criminal background check before completing the transfer
 23 of the firearm.[: and]

24 *[(3) It is in the best interests of the people of Oregon that any person who transfers a firearm at*
 25 *any location other than a gun show be allowed to voluntarily request a criminal background check*
 26 *before completing the transfer of the firearm.]*

27 **SECTION 8.** ORS 166.434 is amended to read:

28 166.434. (1) Notwithstanding the fact that ORS 166.412 requires a gun dealer to request a crim-
 29 inal history record check only when transferring a handgun, a gun dealer shall comply with the
 30 requirements of ORS 166.412 before transferring any firearm to a purchaser. The provisions of ORS
 31 166.412 apply to the transfer of firearms other than handguns to the same extent that they apply to
 32 the transfer of handguns.

33 (2) In addition to the determination required by ORS 166.412 (3)(a)(A), in conducting a criminal
 34 background check or criminal history record check, the Department of State Police shall also de-
 35 termine whether the recipient is otherwise prohibited by state or federal law from possessing a
 36 firearm.

37 (3) Notwithstanding ORS 166.412 (5), the department is not required to operate the telephone
 38 number established under ORS 166.412 (5) on Thanksgiving Day or Christmas Day.

39 (4)(a) The department may charge a fee, not to exceed the amount authorized under ORS 166.414,
 40 for criminal background checks required under this section or ORS 166.436 **or section 2 of this**
 41 **2015 Act.**

42 (b) The department shall establish a reduced fee for subsequent criminal background checks on
 43 the same recipient that are performed during the same day between the hours of 8 a.m. and 10 p.m.

44 **SECTION 9.** ORS 166.438 is amended to read:

45 166.438. (1) A transferor [*other than*] **who is not** a gun dealer may not transfer a firearm at a

1 gun show unless the transferor:

2 (a)(A) Requests a criminal background check under ORS 166.436 prior to completing the trans-
3 fer;

4 (B) Receives [*notification*] **a unique approval number from the Department of State Police**
5 **indicating** that the recipient is qualified to complete the transfer; and

6 (C) Has the recipient complete the form described in ORS 166.441; or

7 (b) Completes the transfer through a gun dealer.

8 (2) The transferor shall retain the completed form referred to in subsection (1) of this section
9 for at least five years and shall make the completed form available to law enforcement agencies for
10 the purpose of criminal investigations.

11 (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice
12 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the
13 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

14 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under
15 18 U.S.C. 923.

16 (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a
17 Class A misdemeanor.

18 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements
19 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous
20 convictions under this section.

21 (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that
22 the person did not know, or reasonably could not know, that more than 25 firearms were at the site
23 and available for transfer.

24 **SECTION 10.** ORS 181.150 is amended to read:

25 181.150. (1) The State of Oregon shall provide the members of the state police with emergency
26 outfits, weapons and motor vehicles and all other emergency and first-aid supplies and equipment
27 necessary to carry out the public safety functions of the Department of State Police.

28 (2)(a) The property described in subsection (1) of this section remains the property of this state
29 with the exception of a retiring or deceased officer's department-issued service weapon, which may
30 be sold by the department to the officer or, in the case of a deceased officer, to a member of the
31 officer's family, upon the officer's retirement or death, and the officer's badge, which may be given
32 to the officer or, in the case of a deceased officer, to a member of the deceased officer's family, upon
33 the officer's retirement or death.

34 (b) A service weapon sold pursuant to this subsection must be sold for its fair market value.

35 (c) A badge given to an officer or an officer's family member pursuant to this subsection must
36 be marked to indicate the officer's retirement status and may not be used for official police iden-
37 tification other than as a memento of service to the department.

38 (3) Surplus, obsolete or unused property, supplies or equipment must be disposed of by the
39 Oregon Department of Administrative Services as provided in ORS 279A.280.

40 (4)(a) For purposes of ORS chapters 279A and 279B, the sale of a service weapon to a retiring
41 officer by the department is not a public contract and is not subject to the competitive bidding re-
42 quirements of ORS chapters 279A and 279B.

43 (b) The provisions of ORS 166.412 **and section 2 of this 2015 Act** do not apply to transfers of
44 firearms pursuant to this section.

45 **SECTION 11.** ORS 426.133 is amended to read:

1 426.133. (1) As used in ORS 426.005 to 426.390, “assisted outpatient treatment” may not be con-
 2 strued to be a commitment under ORS 426.130 and does not include taking a person into custody
 3 or the forced medication of a person.

4 (2) A court may issue an order requiring a person to participate in assisted outpatient treatment
 5 if the court finds that the person:

- 6 (a)(A) Is 18 years of age or older;
- 7 (B) Has a mental disorder;
- 8 (C) Will not obtain treatment in the community voluntarily; and
- 9 (D) Is unable to make an informed decision to seek or to comply with voluntary treatment; and

10 (b) As a result of being a person described in paragraph (a) of this subsection:

- 11 (A) Is incapable of surviving safely in the community without treatment; and
- 12 (B) Requires treatment to prevent a deterioration in the person’s condition that will predictably
 13 result in the person becoming a person with mental illness.

14 (3) In determining whether to issue the order under subsection (2) of this section, the court shall
 15 consider, but is not limited to considering, the following factors:

- 16 (a) The person’s ability to access finances in order to get food or medicine.
- 17 (b) The person’s ability to obtain treatment for the person’s medical condition.
- 18 (c) The person’s ability to access necessary resources in the community without assistance.
- 19 (d) The degree to which there are risks to the person’s safety.
- 20 (e) The likelihood that the person will decompensate without immediate care or treatment.
- 21 (f) The person’s previous attempts to inflict physical injury on self or others.
- 22 (g) The person’s history of mental health treatment in the community.
- 23 (h) The person’s patterns of decompensation in the past.
- 24 (i) The person’s risk of being victimized or harmed by others.
- 25 (j) The person’s access to the means to inflict harm on self or others.

26 (4) The community mental health program director may recommend to the court a treatment
 27 plan for a person participating in assisted outpatient treatment. The court may adopt the plan as
 28 recommended or with modifications.

29 **(5) As part of the order under subsection (2) of this section, the court may prohibit the**
 30 **person from purchasing or possessing a firearm during the period of assisted outpatient**
 31 **treatment if, in the opinion of the court, there is a reasonable likelihood the person would**
 32 **constitute a danger to self or others or to the community at large as a result of the person’s**
 33 **mental or psychological state, as demonstrated by past behavior or participation in incidents**
 34 **involving unlawful violence or threats of unlawful violence, or by reason of a single incident**
 35 **of extreme, violent, unlawful conduct. When a court adds a firearm prohibition to an order**
 36 **under subsection (2) of this section, the court shall cause a copy of the order to be delivered**
 37 **to the sheriff of the county, who shall enter the information into the Law Enforcement Data**
 38 **System.**

39 [(5)] (6) The court retains jurisdiction over the person until the earlier of the end of the period
 40 of the assisted outpatient treatment established under ORS 426.130 (2) or until the court finds that
 41 the person no longer meets the criteria in subsection (2) of this section.

42 [(6)] (7) This section does not:

- 43 (a) Prevent a court from appointing a guardian ad litem to act for the person; or
- 44 (b) Require a county to provide treatment or services to, or supervision of, the person if the
 45 county lacks sufficient funds for such purposes.

SECTION 12. ORS 166.250 is amended to read:

166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits the crime of unlawful possession of a firearm if the person knowingly:

(a) Carries any firearm concealed upon the person;

(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle; or

(c) Possesses a firearm and:

(A) Is under 18 years of age;

(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470; and

(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being charged under this section;

(C) Has been convicted of a felony;

(D) Was committed to the Oregon Health Authority under ORS 426.130;

(E) Was found to be a person with mental illness and 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; [or]

(F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing or possessing a firearm; or

[(F)] (G) Has been found guilty except for insanity under ORS 161.295 of a felony.

(2) This section does not prohibit:

(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from possessing a firearm:

(A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian; or

(B) Temporarily for hunting, target practice or any other lawful purpose; or

(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270 and subsection (1) of this section, from owning, possessing or keeping within the person's place of residence or place of business any handgun, and no permit or license to purchase, own, possess or keep any such firearm at the person's place of residence or place of business is required of any such citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle while used, for whatever period of time, as residential quarters.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily accessible within the meaning of this section if the handgun is within the passenger compartment of the vehicle.

(b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage location that is outside the passenger compartment of the vehicle, a handgun is not readily accessible within the meaning of this section if:

(A) The handgun is stored in a closed and locked glove compartment, center console or other container; and

(B) The key is not inserted into the lock, if the glove compartment, center console or other

1 container unlocks with a key.

2 (c) If a vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not readily
3 accessible within the meaning of this section if:

4 (A) The handgun is in a locked container within or affixed to the vehicle; or

5 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
6 discharge of the firearm.

7 (5) Unlawful possession of a firearm is a Class A misdemeanor.

8 **SECTION 13.** ORS 166.250, as amended by section 11a, chapter 826, Oregon Laws 2009, section
9 2, chapter 662, Oregon Laws 2011, and section 7, chapter 360, Oregon Laws 2013, is amended to
10 read:

11 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
12 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm
13 if the person knowingly:

14 (a) Carries any firearm concealed upon the person;

15 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
16 cle; or

17 (c) Possesses a firearm and:

18 (A) Is under 18 years of age;

19 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
20 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
21 volving violence, as defined in ORS 166.470; and

22 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
23 charged under this section;

24 (C) Has been convicted of a felony;

25 (D) Was committed to the Oregon Health Authority under ORS 426.130;

26 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
27 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
28 [or]

29 **(F) Is presently subject to an order under ORS 426.133 prohibiting the person from pur-**
30 **chasing or possessing a firearm; or**

31 [(F)] (G) Has been found guilty except for insanity under ORS 161.295 of a felony.

32 (2) This section does not prohibit:

33 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
34 sessed a firearm:

35 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or
36 guardian or by another person with the consent of the minor's parent or guardian; or

37 (B) Temporarily for hunting, target practice or any other lawful purpose; or

38 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
39 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
40 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
41 residence or place of business any handgun, and no permit or license to purchase, own, possess or
42 keep any such firearm at the person's place of residence or place of business is required of any such
43 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
44 while used, for whatever period of time, as residential quarters.

45 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

1 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
 2 cessible within the meaning of this section if the handgun is within the passenger compartment of
 3 the vehicle.

4 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
 5 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
 6 sible within the meaning of this section if:

7 (A) The handgun is stored in a closed and locked glove compartment, center console or other
 8 container; and

9 (B) The key is not inserted into the lock, if the glove compartment, center console or other
 10 container unlocks with a key.

11 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
 12 readily accessible within the meaning of this section if:

13 (A) The handgun is in a locked container within or affixed to the vehicle; or

14 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
 15 discharge of the firearm.

16 (5) Unlawful possession of a firearm is a Class A misdemeanor.

17 **SECTION 14.** ORS 166.460 is amended to read:

18 166.460. (1) ORS 166.250, 166.260, 166.291 to 166.295, 166.410, 166.412, 166.425, 166.434, 166.438
 19 and 166.450 do not apply to antique firearms.

20 (2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique
 21 firearm by a person described in ORS 166.250 (1)(c)(B) to (D) or [(F)] (G) constitutes a violation of
 22 ORS 166.250.

23 **SECTION 15.** ORS 166.291, as amended by section 1, chapter 62, Oregon Laws 2014, is amended
 24 to read:

25 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
 26 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
 27 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

34 (c) Is a resident of the county;

35 (d) Has no outstanding warrants for arrest;

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

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

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

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

43 (C) Completion of any firearms safety or training course or class available to the general public
 44 offered by law enforcement, community college, or private or public institution or organization or
 45 firearms training school utilizing instructors certified by the National Rifle Association or a law

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 can demonstrate that the person has been convicted only once of a marijuana
29 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
30 the offense, and has not completed a drug diversion program for a marijuana possession offense that
31 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

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

36 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
37 107.700 to 107.735 or 163.738;

38 (n) Has not received a dishonorable discharge from the Armed Forces of the United States;
39 *[and]*

40 (o) Is not required to register as a sex offender in any state[.]; **and**

41 **(p) Is not presently subject to an order under ORS 426.133 prohibiting the person from**
42 **purchasing or possessing a firearm.**

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

1 (1)(g) to (L) of this section.

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

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

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

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

22 _____
23
24 APPLICATION FOR LICENSE TO CARRY
25 CONCEALED HANDGUN

26 Date _____

27 I hereby declare as follows:

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

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

7
8 Legal name _____
9 Age _____ Date of birth _____
10 Place of birth _____
11 Social Security number _____

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

14
15 Proof of identification (Two pieces of current identification are required, one of which must bear a
16 photograph of the applicant. The type of identification and the number on the identification are to
17 be filled in by the sheriff.):

- 18 1. _____
- 19 2. _____

20
21 Height _____ Weight _____
22 Hair color _____ Eye color _____

23
24 Current address _____

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

25
26
27
28 City _____ County _____ Zip _____
29 Phone _____

30
31 I have read the entire text of this application, and the statements therein are correct and true.
32 (Making false statements on this application is a misdemeanor.)

33 _____
34 (Signature of Applicant)

35
36 Character references.

37 _____

Name	Address
Name	Address

40
41
42 Approved _____ Disapproved _____ by _____

43
44 Competence with handgun demonstrated by _____ (to be filled in by sheriff)
45 Date _____ Fee Paid _____

1 License No. _____
2 _____
3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 16.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section
35 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,
36 Oregon Laws 2013, section 7, chapter 591, Oregon Laws 2013, and section 2, chapter 62, Oregon
37 Laws 2014, 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
- 7 of the course;
- 8
- 9 (B) Completion of any National Rifle Association firearms safety or training course if handgun
- 10 safety was a component of the course;
- 11 (C) Completion of any firearms safety or training course or class available to the general public
- 12 offered by law enforcement, community college, or private or public institution or organization or
- 13 firearms training school utilizing instructors certified by the National Rifle Association or a law
- 14 enforcement agency if handgun safety was a component of the course;
- 15 (D) Completion of any law enforcement firearms safety or training course or class offered for
- 16 security guards, investigators, reserve law enforcement officers or any other law enforcement officers
- 17 if handgun safety was a component of the course;
- 18 (E) Presents evidence of equivalent experience with a handgun through participation in organized
- 19 shooting competition or military service;
- 20 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
- 21 revoked; or
- 22 (G) Completion of any firearms training or safety course or class conducted by a firearms instructor
- 23 certified by a law enforcement agency or the National Rifle Association if handgun safety
- 24 was a component of the course;
- 25 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
- 26 of a felony;
- 27 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
- 28 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
- 29 conviction for the possession of marijuana as described in paragraph (L) of this subsection;
- 30 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;
- 31 (j) Has not been found to be a person with mental illness and is not subject to an order under
- 32 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of
- 33 that mental illness;
- 34 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
- 35 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
- 36 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving
- 37 violence, as defined in ORS 166.470;
- 38 (L) Has not been convicted of an offense involving controlled substances or participated in a
- 39 court-supervised drug diversion program, except this disability does not operate to exclude a person
- 40 if:
- 41 (A) The person can demonstrate that the person has been convicted only once of a marijuana
- 42 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
- 43 the offense, and has not completed a drug diversion program for a marijuana possession offense that
- 44 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or
- 45 (B) The person can demonstrate that the person has only once completed a drug diversion pro-

1 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law
2 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that
3 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

4 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
5 107.700 to 107.735 or 163.738;

6 (n) Has not received a dishonorable discharge from the Armed Forces of the United States;
7 [and]

8 (o) Is not required to register as a sex offender in any state[.]; and

9 **(p) Is not presently subject to an order under ORS 426.133 prohibiting the person from**
10 **purchasing or possessing a firearm.**

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

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

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

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

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

34 _____
35
36 APPLICATION FOR LICENSE TO CARRY
37 CONCEALED HANDGUN

38 Date _____

39 I hereby declare as follows:

40 I am a citizen of the United States or a legal resident alien who can document continuous resi-
41 dency in the county for at least six months and have declared in writing to the United States Cit-
42 izenship and Immigration Services my intention to become a citizen and can present proof of the
43 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
44 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
45 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,

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

18

19 Legal name _____
 20 Age _____ Date of birth _____
 21 Place of birth _____
 22 Social Security number _____

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

25

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

- 29 1. _____
- 30 2. _____

31

32 Height _____ Weight _____
 33 Hair color _____ Eye color _____

34

35 Current address _____

36

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

37

38

39 City _____ County _____ Zip _____

40

40 Phone _____

41

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

44

45

 (Signature of Applicant)

1 Character references.

2 _____
3 Name: Address

4 _____
5 Name: Address

6
7 Approved _____ Disapproved _____ by _____

8
9 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

10 Date _____ Fee Paid _____

11 License No. _____
12 _____

13
14 (5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **SECTION 17.** ORS 166.470 is amended to read:

45 166.470. (1) Unless relief has been granted under ORS 166.274 or section 5, chapter 826, Oregon

1 Laws 2009, or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another
 2 jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the
 3 transferor knows or reasonably should know that the recipient:

- 4 (a) Is under 18 years of age;
- 5 (b) Has been convicted of a felony;
- 6 (c) Has any outstanding felony warrants for arrest;
- 7 (d) Is free on any form of pretrial release for a felony;
- 8 (e) Was committed to the Oregon Health Authority under ORS 426.130;
- 9 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
 10 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
 11 of that mental illness;

12 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
 13 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
 14 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
 15 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

16 **(h) Is presently subject to an order under ORS 426.133 prohibiting the person from pur-**
 17 **chasing or possessing a firearm; or**

18 [(h)] (i) Has been found guilty except for insanity under ORS 161.295 of a felony.

19 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
 20 reasonably should know is stolen.

21 (3) Subsection (1)(a) of this section does not prohibit:

22 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
 23 minor from transferring to the minor a firearm, other than a handgun; or

24 (b) The temporary transfer of any firearm to a minor for hunting, target practice or any other
 25 lawful purpose.

26 (4) Violation of this section is a Class A misdemeanor.

27 **SECTION 18.** ORS 166.470, as amended by section 11, chapter 826, Oregon Laws 2009, and
 28 section 11, chapter 360, Oregon Laws 2013, is amended to read:

29 166.470. (1) Unless relief has been granted under ORS 166.274 or 18 U.S.C. 925(c) or the
 30 expunction laws of this state or an equivalent law of another jurisdiction, a person may not inten-
 31 tionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
 32 should know that the recipient:

- 33 (a) Is under 18 years of age;
- 34 (b) Has been convicted of a felony;
- 35 (c) Has any outstanding felony warrants for arrest;
- 36 (d) Is free on any form of pretrial release for a felony;
- 37 (e) Was committed to the Oregon Health Authority under ORS 426.130;
- 38 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
 39 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
 40 of that mental illness;

41 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
 42 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
 43 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
 44 163.187, 163.190, 163.195 or 166.155 (1)(b); [or]

45 **(h) Is presently subject to an order under ORS 426.133 prohibiting the person from pur-**

1 **chasing or possessing a firearm; or**

2 [(h)] (i) Has been found guilty except for insanity under ORS 161.295 of a felony.

3 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
4 reasonably should know is stolen.

5 (3) Subsection (1)(a) of this section does not prohibit:

6 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
7 minor from transferring to the minor a firearm, other than a handgun; or

8 (b) The temporary transfer of any firearm to a minor for hunting, target practice or any other
9 lawful purpose.

10 (4) Violation of this section is a Class A misdemeanor.

11 **SECTION 19.** ORS 181.740 is amended to read:

12 181.740. (1) The Department of Human Services, the Oregon Health Authority, the Psychiatric
13 Security Review Board and the Judicial Department shall provide the Department of State Police
14 with the minimum information necessary to identify persons who:

15 (a) Have been committed by a court to the Oregon Health Authority under ORS 426.130, based
16 on a finding that the person is dangerous to self or others;

17 (b) Are subject to a court order under ORS 426.130 **or 426.133** prohibiting the person from pur-
18 chasing or possessing a firearm;

19 (c) Have been committed by a court to the Department of Human Services under ORS 427.290,
20 based on a finding that the person is dangerous to self or others;

21 (d) Have been found by a court to lack fitness to proceed under ORS 161.370;

22 (e) Have been found guilty except for insanity of a crime under ORS 161.295 to 161.370;

23 (f) Have been found responsible except for insanity for an act under ORS 419C.411;

24 (g) Have been placed under the jurisdiction of the Psychiatric Security Review Board or the
25 Oregon Health Authority under ORS 161.315 to 161.351; or

26 (h) Have been committed to a state hospital or facility under ORS 161.315 to 161.351 or 419C.529
27 to 419C.544.

28 (2) Upon receipt of the information described in this section, the Department of State Police
29 shall access and maintain the information and transmit the information to the federal government
30 as required under federal law.

31 (3) The Department of Human Services, the Oregon Health Authority, the Psychiatric Security
32 Review Board and the Judicial Department shall enter into agreements with the Department of State
33 Police describing the access to information provided under this section.

34 (4) The Department of State Police shall adopt rules:

35 (a) After consulting with the Department of Human Services, the Oregon Health Authority, the
36 Psychiatric Security Review Board and the Judicial Department, describing the type of information
37 provided to the Department of State Police under this section; and

38 (b) Describing the method and manner of maintaining the information described in this section
39 and transmitting the information to the federal government.

40 (5) As used in this section, "minimum information necessary" means data elements or nominal
41 information that is necessary or required under federal law to accurately identify a person described
42 in this section and includes the person's name, date of birth, gender and reference information that
43 identifies the originating agency or court and enables the originating agency or court to locate an
44 underlying record or file of a person described in this section. "Minimum information necessary"
45 does not include any medical, psychiatric or psychological information, case histories or files of a

1 person described in this section or any record or file of an originating agency or court.

2 **SECTION 20. Section 2 of this 2015 Act and the amendments to ORS 166.432, 166.433,**
3 **166.434, 166.438 and 181.150 by sections 6 to 10 of this 2015 Act become operative 90 days after**
4 **the effective date of this 2015 Act.**

5 **SECTION 21. The Department of State Police may take any action before the operative**
6 **date specified in section 20 of this 2015 Act that is necessary for the department to imple-**
7 **ment section 2 of this 2015 Act and the amendments to ORS 166.432, 166.433, 166.434, 166.438**
8 **and 181.150 by sections 6 to 10 of this 2015 Act**

9 **SECTION 22. The amendments to ORS 166.250, 166.291, 166.460, 166.470, 181.740 and 426.133**
10 **by sections 11 to 19 of this 2015 Act apply to orders for assisted outpatient treatment entered**
11 **on or after the effective date of this 2015 Act.**

12 **SECTION 23. This 2015 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
14 **on its passage.**

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