

House Bill 2533

Sponsored by Representative WITT

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**.

Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license.

Requires county sheriff to request that Department of State Police perform criminal records check with National Instant Criminal Background Check System. Requires sheriff to obtain certain information from noncitizen applicants before issuing concealed handgun license.

A BILL FOR AN ACT

1
2 Relating to criminal history record check exemption for concealed handgun licensees; creating new
3 provisions; and amending ORS 166.291, 166.292, 166.295, 166.412 and 166.438.

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

5 **SECTION 1.** ORS 166.412 is amended to read:

6 166.412. (1) As used in this section:

7 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

8 (b) "Department" means the Department of State Police;

9 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
10 an antique firearm;

11 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
12 921 to 929;

13 (e) "Firearms transaction thumbprint form" means a form provided by the department under
14 subsection (11) of this section;

15 (f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,
16 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
17 otherwise;

18 (g) "Handgun" has the meaning given that term in ORS 166.210; and

19 (h) "Purchaser" means a person who buys, leases or otherwise receives a firearm from a gun
20 dealer.

21 (2) Except as provided in subsections (3)(c), [*and*] (12) **and** (13) of this section, a gun dealer shall
22 comply with the following before a handgun is delivered to a purchaser:

23 (a) The purchaser shall present to the dealer current identification meeting the requirements
24 of subsection (4) of this section.

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

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

30 (d) The gun dealer shall request by telephone that the department conduct a criminal history

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 record check on the purchaser and shall provide the following information to the department:

- 2 (A) The federal firearms license number of the gun dealer;
- 3 (B) The business name of the gun dealer;
- 4 (C) The place of transfer;
- 5 (D) The name of the person making the transfer;
- 6 (E) The make, model, caliber and manufacturer's number of the handgun being transferred;
- 7 (F) The name and date of birth of the purchaser;
- 8 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
- 9 number to the gun dealer; and
- 10 (H) The type, issuer and identification number of the identification presented by the purchaser.

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

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

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

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

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

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

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

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

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

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

37 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does
 38 not include the current address of the purchaser, the purchaser shall present a second piece of
 39 current identification that contains the current address of the purchaser. The Superintendent of
 40 State Police may specify by rule the type of identification that may be presented under this para-
 41 graph.

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

44 (5) The department shall establish a telephone number that shall be operational seven days a
 45 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from

1 dealers for a criminal history record check under this section.

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

5 (7)(a) The department may retain a record of the information obtained during a request for a
6 criminal records check for no more than five years.

7 (b) The record of the information obtained during a request for a criminal records check by a
8 gun dealer is exempt from disclosure under public records law.

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

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

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

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

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

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

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

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

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

24 **(13) Subsection (2)(d) and (e) of this section does not apply if the purchaser is licensed**
25 **under ORS 166.291 and 166.292 to carry a concealed handgun.**

26 **SECTION 2.** ORS 166.438 is amended to read:

27 166.438. (1) A transferor other than a gun dealer may not transfer a firearm at a gun show un-
28 less the transferor:

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

31 (B) Receives notification that the recipient is qualified to complete the transfer; and

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

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

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

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

40 (4)(a) Subsection (1) of this section does not apply if the [*transferee*] **recipient** is licensed as a
41 dealer under 18 U.S.C. 923.

42 **(b) Subsection (1)(a)(A) and (B) of this section does not apply if the recipient is licensed**
43 **under ORS 166.291 and 166.292 to carry a concealed handgun.**

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

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

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

7 **SECTION 3.** ORS 166.291, as amended by section 1, chapter 62, Oregon Laws 2014, is amended
 8 to read:

9 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
 10 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
 11 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

18 (c) Is a resident of the county;

19 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

43 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
 44 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
 45 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

12 (A) The person can demonstrate that the person has been convicted only once of a marijuana
 13 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
 14 the offense, and has not completed a drug diversion program for a marijuana possession offense that
 15 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

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

20 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
 21 107.700 to 107.735 or 163.738;

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

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

25 **(p) Is not prohibited by federal law from possessing a firearm.**

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

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

31 (a) The application must state the applicant's legal name, current address and telephone number,
 32 date and place of birth, hair and eye color and height and weight. The application must also list the
 33 applicant's residence address or addresses for the previous three years. The application must contain
 34 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
 35 section. **The application must state the applicant's place of birth and country of citizenship**
 36 **and, if the applicant is not a citizen of the United States, the applicant's United States Im-**
 37 **migration and Customs Enforcement alien registration number or United States Citizenship**
 38 **and Immigration Services number.** The application may include the Social Security number of the
 39 applicant if the applicant voluntarily provides this number. The application must be signed by the
 40 applicant.

41 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 42 shall fingerprint and photograph the applicant and *[shall conduct any investigation necessary to cor-*
 43 *roborate the requirements listed under subsection (1) of this section. If a nationwide criminal records*
 44 *check is necessary, the sheriff]* shall request the Department of State Police to conduct *[the]* **a**
 45 **criminal records** check_[, including fingerprint identification, through] **utilizing the National In-**

1 **stant Criminal Background Check System described in 18 U.S.C. 922 and operated by the**
 2 **Federal Bureau of Investigation. If the person is not a citizen, the Department of State Police**
 3 **shall provide to the Federal Bureau of Investigation any information needed to perform an**
 4 **Immigration Alien Query. If fingerprint identification is necessary, the Department of State**
 5 **Police shall provide the applicant's fingerprints to the Federal Bureau of Investigation.** The
 6 Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal re-
 7 cords check and may not keep any record of the fingerprints. The Department of State Police shall
 8 report the results of the [*fingerprint-based*] criminal records check to the sheriff. *The Department*
 9 *of State Police shall also* **and shall** furnish the sheriff with any information about the applicant that
 10 the Department of State Police may have in its possession including, but not limited to, manual or
 11 computerized criminal offender information. **The sheriff may conduct any additional investi-**
 12 **gation necessary to corroborate the requirements listed under subsection (1) of this section.**

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

15
 16
 17 APPLICATION FOR LICENSE TO CARRY
 18 CONCEALED HANDGUN

19 Date _____

20 I hereby declare as follows:

21 I am a citizen of the United States or a legal resident alien who can document continuous res-
 22 idency in the county for at least six months and have declared in writing to the United States Cit-
 23 izenship and Immigration Services my intention to become a citizen and can present proof of the
 24 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 25 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 26 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 27 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 28 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 29 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 30 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 31 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 32 volving controlled substances or completed a court-supervised drug diversion program. There are
 33 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 34 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
 35 person with mental illness and presently subject to an order prohibiting me from purchasing or
 36 possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I
 37 have been granted relief or wish to petition for relief from the disability under ORS 166.274 or
 38 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records
 39 expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS
 40 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed
 41 Forces of the United States. I am not required to register as a sex offender in any state. **I am not**
 42 **prohibited by federal law from possessing a firearm.** I understand I will be fingerprinted and
 43 photographed.

44
 45 Legal name _____

1 Age _____ Date of birth _____

2 Place of birth _____

3 Social Security number _____

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

6

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

10 1. _____

11 2. _____

12

13 Height _____ Weight _____

14 Hair color _____ Eye color _____

15

16 Current address _____

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

17

18 City _____ County _____ Zip _____

19 Phone _____

20

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

23

(Signature of Applicant)

24

25 Character references.

26

Name Address

27

Name Address

28

29 Approved _____ Disapproved _____ by _____

30

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

32

33 Date _____ Fee Paid _____

34

35 License No. _____

36

37

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

39

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

41

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

43

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

45

(b) The sheriff may enter into an agreement with the Department of Transportation to produce

1 the concealed handgun license.

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

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

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

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

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

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

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

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

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

26 **SECTION 4.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section
 27 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,
 28 Oregon Laws 2013, section 7, chapter 591, Oregon Laws 2013, and section 2, chapter 62, Oregon
 29 Laws 2014, is amended to read:

30 166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed
 31 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
 32 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

39 (c) Is a resident of the county;

40 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

19 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
20 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
21 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

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

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

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

(p) Is not prohibited by federal law from possessing a firearm.

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

(3) Before the sheriff may issue a license:

(a) The application must state the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color and height and weight. The application must also list the applicant's residence address or addresses for the previous three years. The application must contain a statement by the applicant that the applicant meets the requirements of subsection (1) of this section. **The application must state the applicant's place of birth and country of citizenship and, if the applicant is not a citizen of the United States, the applicant's United States Immigration and Customs Enforcement alien registration number or United States Citizenship and Immigration Services number.** The application may include the Social Security number of the applicant if the applicant voluntarily provides this number. The application must be signed by the applicant.

(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff shall fingerprint and photograph the applicant and *[shall conduct any investigation necessary to corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal records check is necessary, the sheriff]* shall request the Department of State Police to conduct *[the]* **a criminal records check***[, including fingerprint identification, through]* **utilizing the National Instant Criminal Background Check System described in 18 U.S.C. 922 and operated by the Federal Bureau of Investigation. If the person is not a citizen, the Department of State Police shall provide to the Federal Bureau of Investigation any information needed to perform an Immigration Alien Query. If fingerprint identification is necessary, the Department of State Police shall provide the applicant's fingerprints to the Federal Bureau of Investigation.** The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. The Department of State Police shall report the results of the *[fingerprint-based]* criminal records check to the sheriff. *The Department of State Police shall also]* **and shall** furnish the sheriff with any information about the applicant that the Department of State Police may have in its possession including, but not limited to, manual or computerized criminal offender information. **The sheriff may conduct any additional investigation necessary to corroborate the requirements listed under subsection (1) of this section.**

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

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date_____

I hereby declare as follows:

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

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

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 5.** ORS 166.292 is amended to read:

45 166.292. (1) If the application for the license is approved, the sheriff shall issue and mail or

1 otherwise deliver to the applicant at the address shown on the application, within 45 days of the
2 application, a wallet sized license bearing the photograph of the licensee **and the issuance date**
3 **of the license**. The license must be signed by the licensee and carried whenever the licensee carries
4 a concealed handgun.

5 (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun li-
6 cense is prima facie evidence that the person does not have such a license.

7 (3) Licenses for concealed handguns shall be uniform throughout the state in substantially the
8 following form:

9 _____

10
11 OREGON CONCEALED HANDGUN
12 LICENSE

13 County_____ License Number_____
14 Expires_____ Date of birth_____
15 Height_____ Weight_____
16 Name_____ Address_____
17 Licensee's City_____ Zip_____ Photograph
18 Signature_____
19 Issued by_____
20 Date of issue_____

21 _____

22
23 (4) An Oregon concealed handgun license issued under ORS 166.291 and this section, unless re-
24 voked under ORS 166.293, is valid for a period of four years from the date on which it is issued.

25 (5) The sheriff shall keep a record of each license issued under ORS 166.291 and this section,
26 or renewed pursuant to ORS 166.295.

27 (6) When a sheriff issues a concealed handgun license under this section, the sheriff shall pro-
28 vide the licensee with a list of those places where carrying concealed handguns is prohibited or
29 restricted by state or federal law.

30 **SECTION 6.** ORS 166.295 is amended to read:

31 166.295. (1)(a) A concealed handgun license is renewable by repeating the procedures set out in
32 ORS 166.291 and 166.292, [except for] **including a criminal records check utilizing the National**
33 **Instant Criminal Background Check System described in 18 U.S.C. 922, but excepting** the re-
34 quirement to submit fingerprints and provide character references. A licensee may submit the ap-
35 plication for renewal by mail if the licensee:

36 (A) Is an active member of the Armed Forces of the United States, the National Guard of the
37 United States or the Oregon National Guard; and

38 (B) Submits with the application proof of the licensee's military orders and a copy of the
39 licensee's military identification.

40 (b) An otherwise expired concealed handgun license continues to be valid for up to 45 days after
41 the licensee applies for renewal if:

42 (A) The licensee applies for renewal before the original license expires;

43 (B) The licensee has proof of the application for renewal; and

44 (C) The application for renewal has not been denied.

45 (2) If a licensee changes residence, the licensee shall report the change of address and the

1 sheriff shall issue a new license as a duplication for a change of address. The license shall expire
2 upon the same date as would the original.

3 **SECTION 7. The amendments to ORS 166.291, 166.292, 166.295, 166.412 and 166.438 by**
4 **sections 1 to 6 of this 2015 Act apply to concealed handgun licenses issued on or after the**
5 **effective date of this 2015 Act.**

6
