

Senate Bill 106

Sponsored by Senator THATCHER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Public Safety Standards and Training to establish handgun safety instructor program. Directs department to adopt rules to administer handgun safety instructor program. Becomes operative January 1, 2016.

Includes completion of handgun safety course taught by handgun safety instructor as acceptable demonstration of competence with handgun for issuance of concealed handgun license.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to handgun safety instructors; creating new provisions; amending ORS 166.291; and de-
3 claring an emergency.

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

5 **SECTION 1. (1) The Department of Public Safety Standards and Training shall establish**
6 **a handgun safety instructor program to train and certify individuals as handgun safety in-**
7 **structors to teach handgun safety courses to members of the public.**

8 **(2) The department shall offer the handgun safety instructor program at least once per**
9 **year.**

10 **(3) The department shall adopt rules to administer the handgun safety instructor pro-**
11 **gram, including, but not limited to, rules to establish:**

12 **(a) A fee for participation;**

13 **(b) An application process;**

14 **(c) Criteria for participation; and**

15 **(d) The process for issuance, renewal and revocation of a handgun safety instructor**
16 **certificate.**

17 **(4) An individual who completes a handgun safety course taught by a handgun safety in-**
18 **structor meets the requirements for demonstrated competency of concealed handgun safety**
19 **as described in ORS 166.291.**

20 **(5) As used in this section, "handgun safety instructor" means an individual who has**
21 **successfully completed the handgun safety instructor program described in subsection (1) of**
22 **this section and who is certified by the department to teach handgun safety courses.**

23 **SECTION 2. 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

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 six months and has declared in writing to the United States Citizenship and Immigration Services
2 the intent to acquire citizenship status and can present proof of the written declaration to the
3 sheriff at the time of application for the license;

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

5 (c) Is a resident of the county;

6 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

23 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
24 revoked; *[or]*

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

28 **(H) Completion of a handgun safety course conducted by a handgun safety instructor**
29 **certified by the Department of Public Safety Standards and Training as described in section**
30 **1 of this 2015 Act;**

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

33 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
34 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
35 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

1 if:

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

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

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

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

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

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

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

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

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

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

38 _____
39
40 APPLICATION FOR LICENSE TO CARRY
41 CONCEALED HANDGUN

42 Date _____

43 I hereby declare as follows:

44 I am a citizen of the United States or a legal resident alien who can document continuous res-
45 idency in the county for at least six months and have declared in writing to the United States Cit-

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

21
 22 Legal name _____
 23 Age _____ Date of birth _____
 24 Place of birth _____
 25 Social Security number _____

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

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

- 32 1. _____
- 33 2. _____

34
 35 Height _____ Weight _____
 36 Hair color _____ Eye color _____

37
 38 Current address _____

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

39
 40
 41
 42 City _____ County _____ Zip _____
 43 Phone _____

44
 45 I have read the entire text of this application, and the statements therein are correct and true.

1 (Making false statements on this application is a misdemeanor.)

2 _____
3 (Signature of Applicant)

4
5 Character references.

Name	Address
Name	Address

6
7
8
9 Approved _____ Disapproved _____ by _____

10
11 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

12
13 Date _____ Fee Paid _____

14
15 License No. _____
16 _____

17
18 (5)(a) Fees for concealed handgun licenses are:

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

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

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

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

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

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

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

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

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

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

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

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

44 (10) As used in this section, "drug diversion program" means a program in which a defendant
45 charged with a marijuana possession offense completes a program under court supervision and in

1 which the marijuana possession offense is dismissed upon successful completion of the diversion
2 program.

3 **SECTION 3.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, section
4 34, chapter 547, Oregon Laws 2011, section 5, chapter 243, Oregon Laws 2013, section 9, chapter 360,
5 Oregon Laws 2013, section 7, chapter 591, Oregon Laws 2013, and section 2, chapter 62, Oregon
6 Laws 2014, is amended to read:

7 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
8 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
9 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

16 (c) Is a resident of the county;

17 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

34 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
35 revoked; [or]

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

39 **(H) Completion of a handgun safety course conducted by a handgun safety instructor**
40 **certified by the Department of Public Safety Standards and Training as described in section**
41 **1 of this 2015 Act;**

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

44 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
45 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor

1 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

21 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
22 107.700 to 107.735 or 163.738;

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

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

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

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

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

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

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

3 _____
4
5 APPLICATION FOR LICENSE TO CARRY
6 CONCEALED HANDGUN

7 Date _____

8 I hereby declare as follows:

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

30
31 Legal name _____

32 Age _____ Date of birth _____

33 Place of birth _____

34 Social Security number _____

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

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

41 1. _____

42 2. _____

43
44 Height _____ Weight _____

45 Hair color _____ Eye color _____

1 Current address _____

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

5 City _____ County _____ Zip _____

6 Phone _____

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

(Signature of Applicant)

13 Character references.

Name:	Address

Name:	Address

19 Approved _____ Disapproved _____ by _____

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

22 Date _____ Fee Paid _____

23 License No. _____

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

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

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

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

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

11 **SECTION 4. (1) Section 1 of this 2015 Act becomes operative January 1, 2016.**

12 **(2) The Department of Public Safety Standards and Training may take any action neces-**
13 **sary before the operative date specified in subsection (1) of this section to enable the de-**
14 **partment to exercise, on or after the operative date specified in subsection (1) of this section,**
15 **all the duties, functions and powers conferred on the department by section 1 of this 2015**
16 **Act.**

17 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
19 **on its passage.**

20 _____