

House Bill 3615

Sponsored by Representative TRAN, Senator BOQUIST; Representative CHAICHI

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**.

Authorizes federal firearms licensee to enter into firearm hold agreement with firearm owner. Provides immunity from liability for licensee to store and return firearm pursuant to firearm hold agreement except in specified circumstances.

Directs Oregon Health Authority to establish grant program to fund storage of firearms pursuant to firearm hold agreement. Appropriates moneys to authority to fund grants.

Requires that training course for concealed handgun license include use of firearm hold agreements for firearm suicide prevention.

A BILL FOR AN ACT

1
2 Relating to firearm hold agreements; creating new provisions; and amending ORS 166.291.

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

4 **SECTION 1. (1) As used in this section and section 2 of this 2023 Act:**

5 (a) **"Federal firearms licensee" means a person licensed as a dealer, manufacturer or**
6 **importer under 18 U.S.C. 923.**

7 (b) **"Firearm" has the meaning given that term in ORS 166.210.**

8 (c) **"Firearm hold agreement" means a private transaction between a federal firearms**
9 **licensee and an individual firearm owner, in which the licensee takes physical possession of**
10 **the owner's lawfully possessed, locked firearm at the owner's request, stores the locked**
11 **firearm for an agreed-upon period of time and returns the locked firearm to the owner ac-**
12 **ording to the terms of the agreement.**

13 (d) **"Locked" means that a firearm is secured with an engaged trigger or cable lock or**
14 **in a locked container.**

15 (2)(a) **A federal firearms licensee may enter into a firearm hold agreement with a firearm**
16 **owner. The firearm hold agreement may not require the payment of a fee to the licensee in**
17 **exchange for storing the firearm.**

18 (b) **ORS 166.412 does not apply to the return of a firearm to the firearm owner after**
19 **storage of the firearm pursuant to a firearm hold agreement described in this section, and**
20 **a federal firearms licensee need not perform a criminal background check prior to the return**
21 **of the firearm except as required under federal law.**

22 (3)(a) **Except as provided in paragraph (b) of this subsection, a federal firearms licensee**
23 **who takes physical possession of a locked firearm pursuant to a firearm hold agreement, and**
24 **who stores the locked firearm, is immune from civil liability arising from taking possession**
25 **of the firearm, storing the firearm or returning the firearm to the owner.**

26 (b) **The immunity described in paragraph (a) of this subsection does not apply:**

27 (A) **If the licensee returns the firearm to a person the licensee knows, or reasonably**
28 **should know, is a danger to self or others.**

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 (B) In a civil action based upon the licensee’s negligence or unlawful conduct.

2 (4) The existence of an individual firearm hold agreement may not be disclosed by the
3 licensee except pursuant to a warrant or subpoena or as required under federal law.

4 **SECTION 2.** (1) The Oregon Health Authority shall by rule create a grant program to
5 fund the storage of firearms pursuant to firearm hold agreements. The authority shall es-
6 tablish grant eligibility criteria and an application and selection process for the program.

7 (2) A federal firearms licensee who intends to store or is storing a firearm pursuant to
8 a firearm hold agreement may apply to the authority for a grant to fund the storage of the
9 firearm.

10 (3) Grant funds awarded under this section may be used for any costs associated with
11 storing firearms pursuant to a firearm hold agreement.

12 (4) The authority shall adopt rules to carry out the provisions of this section.

13 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
14 ated to the Oregon Health Authority, for the biennium beginning July 1, 2023, out of the
15 General Fund, the amount of \$3,000,000, to fund the grant program described in section 2 of
16 this 2023 Act.

17 **SECTION 4.** ORS 166.291, as amended by section 5, chapter 97, Oregon Laws 2022, is amended
18 to read:

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

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

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

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

28 (c) Is a resident of the county;

29 (d) Has no outstanding warrants for arrest;

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

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

32 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
33 ment of Fish and Wildlife or a similar agency of another state if handgun safety [*was a component*]
34 **and the use of firearm hold agreements for firearm suicide prevention were components** of
35 the course;

36 (B) Completion of any National Rifle Association firearms safety or training course if handgun
37 safety [*was a component*] **and the use of firearm hold agreements for firearm suicide prevention**
38 **were components** of the course;

39 (C) Completion of any firearms safety or training course or class available to the general public
40 offered by law enforcement, community college, or private or public institution or organization or
41 firearms training school utilizing instructors certified by the National Rifle Association or a law
42 enforcement agency if handgun safety [*was a component*] **and the use of firearm hold agreements**
43 **for firearm suicide prevention were components** of the course;

44 (D) Completion of any law enforcement firearms safety or training course or class offered for
45 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-

1 cers if handgun safety [*was a component*] **and the use of firearm hold agreements for firearm**
 2 **suicide prevention were components** of the course;

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

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

7 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
 8 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
 9 [*was a component*] **and the use of firearm hold agreements for firearm suicide prevention were**
 10 **components** of the course;

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

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

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

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

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

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

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

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

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

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

38 (o) Is not required to register as a sex offender in any state; and

39 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-
 40 chasing or possessing a firearm.

41 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
 42 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
 43 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

45 (a) The application must state the applicant's legal name, current address and telephone number,

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

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

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

20
 21 APPLICATION FOR LICENSE TO CARRY
 22 CONCEALED HANDGUN

23 Date_____

24 I hereby declare as follows:

25 I am a citizen of the United States or a legal resident noncitizen who can document continuous
 26 residency in the county for at least six months and have declared in writing to the United States
 27 Citizenship and Immigration Services my intention to become a citizen and can present proof of the
 28 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 29 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 30 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 31 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 32 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 33 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 34 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 35 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 36 volving controlled substances or completed a court-supervised drug diversion program. There are
 37 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 38 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
 39 person with mental illness and presently subject to an order prohibiting me from purchasing or
 40 possessing a firearm because of mental illness. I am not under a court order to participate in as-
 41 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a
 42 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
 43 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
 44 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
 45 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge

1 from the Armed Forces of the United States. I am not required to register as a sex offender in any
2 state. I understand I will be fingerprinted and photographed.

3
4 Legal name _____
5 Age _____ Date of birth _____
6 Place of birth _____
7 Social Security number _____

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

10
11 Proof of identification (Two pieces of current identification are required, one of which must bear a
12 photograph of the applicant. The type of identification and the number on the identification are to
13 be filled in by the sheriff.):

- 14 1. _____
- 15 2. _____

16
17 Height _____ Weight _____
18 Hair color _____ Eye color _____

19
20 Current address _____

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

21
22
23
24 City _____ County _____ Zip _____
25 Phone _____

26
27 I have read the entire text of this application, and the statements therein are correct and true.
28 (Making false statements on this application is a misdemeanor.)

29 _____
30 (Signature of Applicant)

31
32 Character references.

33 _____

Name:	Address

Name:	Address

34
35
36
37
38 Approved _____ Disapproved _____ by _____

39
40 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

41 Date _____ Fee Paid _____

42 License No. _____

43 _____
44
45 (5)(a) Fees for concealed handgun licenses are:

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

2 (B) \$100 to the sheriff for the initial issuance of a concealed handgun license.

3 (C) \$75 to the sheriff for the renewal of a concealed handgun license.

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

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

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

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

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

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

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

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

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

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

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

31 **SECTION 5. The amendments to ORS 166.291 by section 4 of this 2023 Act apply only to**
32 **applications for new concealed handgun licenses submitted on or after the effective date of**
33 **this 2023 Act, and do not apply to renewals of concealed handgun licenses occurring on or**
34 **after the effective date of this 2023 Act.**

35