

**A G E N D A**  
**COOS COUNTY BOARD OF COMMISSIONERS**  
Owen Building Large Conference Room  
April 7, 2015  
8:30 A.M.

1. **EXECUTIVE SESSION under the authority of ORS 192.660**
  - A. (2)(d) Deliberations with Labor Negotiators
  - B. (2)(e) Real Property Transactions
  - C. (2)(f) Information or Records Exempt by Law from public Inspection
  - D. (2)(h) Consultation with Counsel

**PLEDGE OF ALLEGIANCE**

2. **CITIZEN COMMENTS (agenda items or general comments) – limited to 3 minutes per person- scheduled to begin at 9:30 AM**

3. **PUBLIC HEARING**

Amending the Coos County Code, Article Two, Division Three, Ambulance Service Areas Plan

4. **DEPARTMENT HEADS**

- A. Friends of Public Health Update- Public Health
- B. Request Approval of Amendment for CaCoon Program & Authorize Chair to Sign- Health & Human Services (HHS)
- C. Request Approval of Rental Agreement with Coquille Indian Tribe- SCINT
- D. Results of Timber Sale & Award of Contracts- Forestry
- E. Request Approval to Purchase 2 SQL Server 2012 Licenses- Assessor
- F. Discussion re: Transient Lodging Tax- BOC
- G. Discussion re: Letter regarding SB 941- BOC

5. **CONSENT CALENDAR- administrative matters not up for discussion**

- A. **Approval of Minutes**

Joint Workgroups- November 25, 2014  
Executive Session (2)(a)- December 19, 2014  
Joint Workgroups- December 23, 2014  
Regular Board Meeting- March 3, 2015

- B. **Ratification of All Routine Expenditures, Tax Overpayments and Adjustments and Transfer of Funds Within the Budget**

Transfer of Appropriations Within a Department- Sheriff/Dispatch- equipment  
Transfer of Appropriations Within a Department- Sheriff/PSAP- equipment  
Title/Registration Expenses for Cargo Van- HHS- \$178.75  
Invoice #15039PL Forbes Refund-BOC/Planning- \$1,761

- C. **Orders & Resolutions**

Corrected Order 15-02-007C, In the Matter of Making Corrections to Terms on the Coos-Curry Housing Authority Board  
Resolution 15-04-044B, In the Matter of a Transfer of Expenditure Appropriations in the Amount of \$5,000 Within the Crime Victims Assistance Fund

This agenda does not limit the ability of the Commissioners to consider additional subjects. The Board reserves the right to place a time limit on public testimony on any matter. The meeting place is handicapped accessible; if special accommodation is needed, please contact the office at least 24 prior to the meeting.

- D. Items Previously Approved (authorize Chair to sign where necessary)**  
Ratification of Public Health Director's Signature on Provider Enrollment Agreement with DMAP-HHS  
Revised Job Description/Advertise & Fill 2 Vacant Park Ranger II Positions- Parks  
Intergovernmental Partnership Agreement for ePermit System & Services- Planning  
Contract with Development Group Inc for Firewall Replacement Project- Information Technology (IT)  
Telephone System Training with A3- \$9,339- IT  
Ratification of Certain Pipeline Decisions Made 3/24/15 at Workgroup Meeting- County Counsel  
Professional Services Contract Amendment with Dan Olsen- County Counsel  
Special Event OLCC Application for the Following: Tight Lines Brewery, Mckenzie River Brewing Company, Mad Dog Brewing  
Modification #3 to BLM-RAC Agreement- Treasurer  
Economic Development Grant Letters of Understanding for the Following: Sawdust Theatre, South Coast Development council, Inc., Egyptian Theater Preservation Association, Coos County Planning Department, Animal Damage Control Advisory Committee
- E. Software Licenses/Maintenance Agreements (authorize Chair to sign where necessary)**  
Workstation Management/Software Deployment Programs- IT- \$1,800
- F. Cancellation & Reissuance of Checks**  
Check #183077 to Snap-On Tools- \$108.65  
Check #184866 to Bay Area Hospital- \$191.86  
Check #36413 to Jeannette M. Brunell Trust- \$238.60  
Check #39213 to William & Karen Ashcraft- \$144.32

**6. LATE AGENDA ITEMS**

**7. COMMISSIONERS REPORTS**

BOC only:  
Consent Agenda \_\_\_\_\_  
Regular Agenda \_\_\_\_\_

**AGENDA ITEM COVERSHEET**

**Agenda Item Title:** Executive Session Requested

**Department:** Counsel                      **Requested Agenda Date:** 4/07/15

**Contact Person:** Josh Soper              **Phone/Ext.:** 7690

**Background and description of need or problem:** Need executive session for multiple purposes:

- ORS 192.660(2)(d) – to conduct deliberations with persons designated by the governing body to carry on labor negotiations
- ORS 192.660(2)(e) – to negotiate real property transactions
- ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection
- ORS 192.660(2)(h) – consulting with regard to current litigation and litigation likely to be filed

**Requested Action:** Go into Executive Session during Board meeting as stated above.

**Date:** 4/01/15                                      **Signature of Dept. Head:** \_\_\_\_\_ 

If this is a Human Resources issue, forward to the Treasurer who will forward it to Human Resources. For all other matters, forward the document to Counsel **no later than the Monday prior to the Agenda deadline.** Counsel will forward to Treasurer.

If this is a contract or grant:

- Is the contract or grant an original?
- Is the Contract/Grant Summary Form attached?
- Is the contract signed first by the vendor (except state/federal grants or contracts)?
- If insurance is required, is the insurance certificate attached?
- Is the Clerk's Coversheet attached or do you want it returned to you for filing?

Departments Affected:

**COUNSEL:** JS \_\_\_\_\_

BOC forwards signed Contract/Grant to:      n/a

①

BOC only:  
Consent Agenda \_\_\_\_\_  
Regular Agenda \_\_\_\_\_

### AGENDA ITEM COVERSHEET

**Agenda Item Title:** First Hearing to Amend Coos County Code, Article Two, Division Three, Ambulance Service Areas Plan

**Department:** Counsel

**Requested Agenda Date:** 4/07/15

**Contact Person:** Josh Soper / Keith Leitz

**Phone/Ext.:** 7690

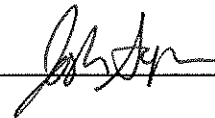
**Background and description of need or problem:** There will be two hearings (April 7<sup>th</sup> and 21<sup>st</sup>) to consider amending the Coos County Code to revise and update Article Two, Division Three, Ambulance Service Areas and Plan as required every five years by the Oregon Administrative Rules. A work session was held March 10<sup>th</sup> for review of the revisions. Notice has been published and posted on 3/31/15. A copy of Division Three with the requested changes is available in the Board's office. If adopted at the 2<sup>nd</sup> hearing, the ordinance shall take effect on the 90<sup>th</sup> day after April 21<sup>st</sup>.

**Funding Source:** n/a

**Requested Action:** Read the Ordinance by title, offer comments if any, state the next hearing date when the final vote will be taken.

Date: 3/31/15

Signature of Dept. Head: \_\_\_\_\_



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Departments Affected:

COUNSEL: JS

TREASURER: n/a

*See Original Packet  
for Complete Ordinance*

IN THE MATTER OF AMENDING COOS )  
COUNTY CODE ARTICLE TWO, DIVISION )  
THREE – AMBULANCE SERVICE AREAS )  
PLAN )

NOTICE OF  
PUBLIC HEARINGS

TO: ALL INTERESTED PERSONS

Notice is hereby given that the Coos County Board of Commissioners will hold public hearings on April 7, 2015 and April 21, 2015, at 9:30 a.m. during their regular Board meetings held in the large conference room of the Owen Building, in Coquille, Oregon.

The purpose of these hearings will be to consider amending the Coos County Code to revise and update Article Two, Division Three – Ambulance Service Areas and Plan, as required every five years by OAR Chapter 333-260-0020, § 8.(7).

A copy of the proposed amendments is available at the Coos County Board of Commissioners' office, 250 N. Baxter, Courthouse, Coquille, Oregon.

These hearings are open to the public and all interested persons may appear and be heard.

Date: March 27, 2015

Robert "Bob" Main  
Chair – Board of Commissioners

PUBLISH: The World – March 31, 2015

BOC only:  
Consent Agenda \_\_\_\_\_  
Regular Agenda \_\_\_\_\_

### AGENDA ITEM COVERSHEET

**Agenda Item Title:** Friends of Public Health Update

**Department:** Public Health

**Requested Agenda Date:** 4/7/15

**Contact Person:**

**Phone/Ext.:**

**Background and description of need or problem:** The Coos County Friends of Public Health would like to provide an update on what they have done in the past year

**Funding Source:**

**Requested Action:**

**Date:**

**Signature of Dept. Head:** \_\_\_\_\_

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County Counsel \_\_\_\_\_

Treasurer \_\_\_\_\_

4A

BOC only:  
Consent Agenda \_\_\_\_\_  
Regular Agenda \_\_\_\_\_

**AGENDA ITEM COVERSHEET**

**Agenda Item Title:** Request approval of Agreement Amendment between Coos County and Oregon Health & Science University for the CaCoon program

**Department:** Health & Human Services

**Requested Agenda Date:** 04/07/2015

**Contact Person:** Ginger Swan

**Phone/Ext.:** 541-751-2547

**Background and description of need or problem:** This amendment outlines the scope of work for a new pilot program and increases the funding for the CaCoon program.

**Funding Source:** N/A

**Requested Action:** Approve Agreement Amendment for CaCoon program & authorize chair to sign.

**Date:** 03/27/2015

**Signature of Dept. Head:** Ginger Swan

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**Departments Affected:**

✓ **Counsel:** JS

**Treasurer:** OK B

**Human Resources:** na

BOC forwards signed Contract/Grant to: Return to Coos Health & Wellness, Carrie McKim

4B

**CONTRACT / GRANT SUMMARY FORM**

Clerk's File C&A No.: \_\_\_\_\_ (complete after filed with Clerk) Internal Contract/Agreement or Grant No.: 1004395, A1

Name/Agency Name and Address: OHSU, 3181 SW Sam Jackson Park Rd, Portland, OR 97239

Contact Person: Jen Raupp Phone No. 503-494-2379

Amount of Contract/Grant Award: \$ 19,270 (\$6,500 increase)

Payment Terms: As billed (state lump sum or amount and time of payments)

Start Date: 10/01/2014 End Date: 09/30/2015

County Department and Employee Responsible for Performance: Public Health, Florence Pourtal-Stevens, Administrator

Description: This agreement amendment outlines the scope of work for a new pilot program and increases the funding for the CaCoon program.

**FINANCIAL INFORMATION**

STATE %	OTHER %	FEDERAL % (CFDA # Required)	Catalog of Federal Domestic Asst. *(CFDA) Number
		100	93.994

\*CFDA is a five digit number in the following format: xx.xxx. The first two digits designate the federal agency and the last three the grant description. The following is a partial listing of the two digit agency identifier:

10.xxx USDA      14.xxx HUD      20.xxx USDOT      66.xxx EPA      84.xxx Dept. of Education  
11.xxx Dept. of Commerce      16.xxx USDOJ      39.xxx General Svs. Admin.      83.xxx FEMA      93.xxx USDHHS

NOTE: If the contract/grant is associated with more than one CFDA number, each segment must have it's own summary form.

New  Renewal  Modification

Previous Amount: \$ 12,770

Original Amount: \$

Previous Date: 12/16/14

Original Date:

Automatic Renewal?  Yes  No

Staff Requirements:  New  Existing  Subcontract

Will unemployment cost be incurred?  Yes  No

**PUBLIC CONTRACTING INFORMATION**

Method of Selection:

- Bid  None
- Quote  Other \_\_\_\_\_
- Proposal

Type of Contract:

- New (complete sections below)
- Renewal (no need to complete sections below)
- Modification (no need to complete sections below)

Type of Contract:

Goods and Services - If Not Using Bid or Proposal, Mark Exemption:

- Under \$5000
- Under \$50,000 for Quotes
- Under \$150,000 & Approval from Board for Quotes
- Sole Source
- Contract with Public Agency
- Equipment Maintenance
- Office Supplies
- Used Vehicles
- State Purchasing
- Other \_\_\_\_\_

Public Improvement - If Not Using Bid, Mark Exemption:

- Under \$5000
- Under \$50,000 for Quotes
- Under \$100,000 & Not a Transportation Project for Quotes
- Alternative Contracting Method Approved by Board
- Other \_\_\_\_\_

Personal Services Contract - If Not Using Proposal, Mark Exemption:

- Under \$50,000
- Under \$150,000 & Approval from Board

Will project be reported to Bureau of Labor for Prevailing Wages under ORS 279C.800?  Yes  No

Certificate of insurance required?  Yes  No

Form of contract:  Oral  Written (attach the written contract)

Date Approved by BOC: \_\_\_\_\_

Reviewed by Counsel: JS



BOC only  
Consent Agenda  
Regular Agenda

### AGENDA ITEM COVERSHEET

**Agenda Item Title:** Approval of Rental of Agreement with Coquille Indian Tribe

**Department:** SCINT

**Requested Agenda Date:** 4/7/2015

**Contact Person:** Kelly Allman

**Phone/Ext.:** 7780

**Background and description of need or problem:** SCINT has an opportunity to use Coquille Indian Tribe property.

**Funding Source:** N/A

**Requested Action:** Approve and sign Rental Agreement.

**Date:** 3/31/2015

**Signature of Dept. Head:** Kelly Allman

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If this is a contract or grant:

- Is the contract or grant an original? (2)
- Is the Contract/Grant Summary Form attached?
- Is the contract signed first by the vendor (except state/federal grants or contracts)?
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**Departments Affected:**

**COUNSEL:** KAL

**TREASURER:** B

**BOC forwards signed documents to Counsel's office:** Kelly Allman

(c) Holding Over. Holding over by the County after the termination of this Sublease will not constitute a renewal or extension thereof or give the County any rights hereunder in or to the Leased Premises. The County agrees to remove all property removable under the terms of this Sublease within sixty (60) days after termination.

#### **Section 4. Rent.**

The parties agree on the following compensation for CIHA's rental of the Premises to the County for use by the South Coast Interagency Narcotics Team.

**Minimum Rent.** The parties have agreed on a minimum rent of \$2,400.00 per year, payable in advance no later than July 31<sup>st</sup> of each year of occupancy. Payment in the amount of \$400 for the initial two-month period beginning May 1, 2015 shall be due upon execution of this Sublease. The parties acknowledge that this minimum rent is below the market value for this property, but further acknowledge that the presence of SCINT in this location provides substantial benefits to CIHA and its clientele.

#### **Section 5. Security Deposit.**

The County will not maintain a security deposit with CIHA. Any of the County's obligations under this Sublease that could otherwise have been deducted from a Security Deposit will be invoiced to the County within sixty (60) days after the County has removed its property from the premises. The County will remit payment to CIHA within sixty (60) days after the invoice date.

#### **Section 6. Liens.**

The County shall not permit to be enforced against the Premises, or any part thereof, any liens arising from any work performed, materials furnished, or obligations incurred by the County, and the County shall discharge all such liens before any action is brought to obtain judgment enforcing such liens.

#### **Section 7. Insurance.**

Subject to any limitations by Federal and Oregon State laws, the County warrants that at all times during the term of this Sublease, the County shall carry a sufficient public liability insurance policy to cover any personal injury that may result from the County's use of the Premises. CIHA will be covered by the County's insurance policy as an additional member with respect to their ownership of the premises (unless such loss, damage, death, or injury is caused by the sole negligence or misconduct of CIHA). A copy of the policy referred to herein shall be provided to CIHA upon CIHA's request.

BOC only:  
Consent Agenda  
Regular Agenda

### AGENDA ITEM COVERSHEET

**Agenda Item Title:** Timber Sale Results and Award of Contracts

**Department:** Forestry

**Requested Agenda Date:** 4/7/15

**Contact Person:** Lance Morgan

**Phone/Ext.:** 7751

**Background and description of need or problem:** A Timber Sale was held on March 18, 2015 pursuant to advertisements which appeared in the World dated February 26<sup>th</sup> and March 5<sup>th</sup>, 2015. Attached are the results.

**Funding Source:** N/A

**Requested Action:** Request that the Board award the timber sales to the high bidder of each sale.

**Date:** 3/19/15

**Signature of Dept. Head:** Lance Morgan <sup>KH</sup>

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Departments Affected:

✓ **COUNSEL:** JS

**TREASURER:** B

**HUMAN RESOURCES:** na

**BOC forwards signed Contract/Grant to:** na

**Commissioners Initials to Place on Agenda ONLY:** \_\_\_\_\_

## RESULTS OF TIMBER SALES, March 18, 2015

TOTAL BID VALUE OF SALES	\$ 3,671,426.80
TOTAL APPRAISED VALUE OF SALES	\$ 4,970,734.00
BID UP	\$-1,299,307.20

### BH-1-15, KATIE'S RIDGE SALE

Douglas Fir	1,614 M x	\$517.15	\$ 834,680.10
Douglas Fir, R3	32 M x	\$ 75.00	2,400.00
Sitka Spruce	728 M x	\$367.00	267,176.00
Sitka Spruce, R3	61 M x	\$ 50.00	3,050.00
Hemlock	300 M x	\$392.00	117,600.00
P.O. Cedar	2 M x	\$417.00	834.00
Red Cedar	13 M x	\$417.00	5,421.00
White Fir	5 M x	\$392.00	1,960.00
Alder	119 M x	\$317.00	<u>37,723.00</u>

TOTAL SALE VALUE \$ 1,270,844.10

(Appraised) \$1,270,602.00

Sold to: Scott Timber Co.	(\$517.15)
2nd highest bid:	(\$       )
3rd highest bid:	(\$       )

### BH-2-15, PHILLIPS FLATS SALE

Hemlock	508 M x	\$ .00	\$
Hemlock, R3	7 M x	\$ 50.00	350.00
Douglas Fir	159 M x	\$392.36	62,328.00
Douglas Fir, R3	5 M x	\$ 75.00	375.00
Sitka Spruce	361 M x	\$267.00	96,387.00
Sitka Spruce, R3	43 M x	\$ 50.00	2,150.00
P.O. Cedar	121 M x	\$342.00	41,382.00
Red Cedar	32 M x	\$342.00	10,944.00
Alder	22 M x	\$242.00	<u>5,324.00</u>

\$ NO BID

(Appraised) \$367,576.00

Sold to:	(\$ .   )
2nd highest bidder:	(\$ .   )
3rd highest bidder:	(\$       )

BH-3-15, MARINE MATTHEW'S RIDGE SALE

Douglas Fir	461 M x	\$	\$
Douglas Fir, R3	5 M x	\$ 75.00	375.00
Sitka Spruce	22 M x	\$245.00	5,390.00
Sitka Spruce, R3	9 M x	\$ 50.00	450.00
Hemlock	5 M x	\$270.00	1,350.00
Alder	8 M x	\$220.00	<u>1,760.00</u>

TOTAL SALE VALUE \$ NO BID

(Appraised) \$191,420.00

Sold to: (\$ )  
2nd highest bid: (\$ )  
3rd highest bid: (\$ )

BH-4-15, MICHAEL'S MILLIONS SALE

Sitka Spruce	1,988 M x	\$389.50	\$ 774,326.00
Sitka Spruce, R3	17 M x	\$ 50.00	850.00
Douglas Fir	812 M x	\$533.00	432,796.00
Hemlock	736 M x	\$433.00	318,688.00
Hemlock, R3	7 M x	\$ 50.00	350.00
P.O. Cedar	1 M x	\$433.00	433.00
Red Cedar	1 M x	\$433.00	433.00
White Fir	11 M x	\$433.00	4,763.00
Alder	19 M x	\$333.00	<u>\$ 6,327.00</u>

TOTAL SALE VALUE \$1,538,966.00

(Appraised) \$1,526,044.00

Sold to: Scott Timber Co. (\$389.50)  
2nd highest bid: (\$ )  
3rd highest bid: (\$ )

BH-5-15, SNIPER RAY RIDGE SALE

Sitka Spruce	998 M x	\$ .	\$ .
Sitka Spruce, R3	115 M x	\$ 50.00	5,750.00
Douglas Fir	476 M x	\$455.00	216,580.00
Douglas Fir, R3	9 M x	\$ 75.00	675.00
Hemlock	168 M x	\$330.00	55,440.00
Red Cedar	20 M x	\$380.00	7,600.00
White Fir	5 M x	\$330.00	1,650.00
Alder	577 M x	\$280.00	<u>161,560.00</u>

TOTAL SALE VALUE \$ NO BID

(Appraised) \$753,645.00

Sold to: (\$ . )  
2nd highest bid: (\$ . )  
3rd highest bid: (\$ . )

DC-1-15, LEEPFRUG LOG SALE

Douglas Fir	1,398 M x	\$529.15	\$ 739,751.70
Hemlock	238 M x	\$429.00	102,102.00
Red Cedar	43 M x	\$429.00	18,447.00
Alder	4 M x	\$329.00	<u>1,316.00</u>

TOTAL SALE VALUE \$861,616.70

(Appraised) \$861,447.00

Sold to: Scott Timber Co. (\$529.15)  
2nd highest bid: (\$ )  
3rd highest bid: (\$ )

BOC only: Consent Agenda _____ Regular Agenda _____
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**AGENDA ITEM COVERSHEET**

**Agenda Item Title:** Request approval to purchase 2 SQL Server 2012 licenses

**Department:** Assessor's

**Requested Agenda Date:** April 7, 2015

**Contact Person:** Steve Jansen

**Phone/Ext.:** 7901

**Background and description of need or problem:** The ORCATS Assessment and Taxation software requires all clients to be using SQL Server 2012 by July 1, 2015. We are advised by the Information Technology department that we will need 2 licenses installed to accommodate our needs. The quote received from CDW-G is \$4,298.02 per license for a total cost of \$8,596.04. We have money in our Software License and Maintenance line item to pay for this purchase.

**Funding Source:** 001-1000-415.35-06 Software License/Maintenance

**Requested Action:** Request the Board to approve the purchase of 2 SQL Server 2012 licenses at the total cost of \$8,596.04 from CDW-G.

**Date:** 3-25-15

**Signature of Dept. Head:** \_\_\_\_\_

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✓ **Departments Affected:** Counsel, SS

**TREASURER:** B

**HUMAN RESOURCES:** N/A

**Commissioners Initials to Place on Agenda ONLY:** \_\_\_\_\_

4E

**SUMMARY OF QUOTES**  
COOS COUNTY

County Department: Information Technology

Goods and/or Services Specifications:

1. MS GSA Sql Svr Standard 2 Core Lic/SA (Mfg# 7NQ-00300-3)

How Solicited:       Written       Oral       Internet

The Department requested quotes from the following firms:

Date	Firm	Contact Person	Quoted Price
3/17/15	CDW-G	Jon Watters	\$8,596.04
3/30/15	PC Connection	Internet	\$9,164.00
3/30/15	PCM	Internet	10,859.98

Solicitor:      Scott Hunt / Virginia Harris

Department's Recommendation: Low Quote -- CDW-G - \$8,596.04



BOC only: Consent Agenda _____
Regular Agenda _____

**AGENDA ITEM COVERSHEET**

**Agenda Item Title:** Discussion re: Transient Lodging Tax

**Department:** BOC

**Requested Agenda Date:** 4/7/15

**Contact Person:** Melissa Cribbins

**Phone/Ext.:** 7539

**Background and description of need or problem:**

**Funding Source:**

**Requested Action:**

**Date:**

**Signature of Dept. Head:** \_\_\_\_\_

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**County Counsel** \_\_\_\_\_

**Treasurer** \_\_\_\_\_

4F

BOC only: Consent Agenda _____
Regular Agenda _____

**AGENDA ITEM COVERSHEET**

**Agenda Item Title:** Letter re: SB 941

**Department:** BOC

**Requested Agenda Date:** 4/7/15

**Contact Person:** Melissa Cribbins

**Phone/Ext.:** 7539

**Background and description of need or problem:**

**Funding Source:**

**Requested Action:**

**Date:** \_\_\_\_\_ **Signature of Dept. Head:** \_\_\_\_\_

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County Counsel \_\_\_\_\_

Treasurer \_\_\_\_\_

46

## 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.

1        **SECTION 12.** ORS 166.250 is amended to read:

2        166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,  
 3        166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits  
 4        the crime of unlawful possession of a firearm if the person knowingly:

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

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

8        (c) Possesses a firearm and:

9        (A) Is under 18 years of age;

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

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

15       (C) Has been convicted of a felony;

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

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

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

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

23       (2) This section does not prohibit:

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

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

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

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

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

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

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

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

45       (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 res-  
29 idency 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 \_\_\_\_\_  
38 Name Address  
39 \_\_\_\_\_  
40 Name Address

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 Depart-
- 7 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
- 8 of the course;
- 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 offi-
- 17 cers if handgun safety was a component of the course;
- 18 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
- 19 ized 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 in-
- 23 structor 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 in-
- 37 volving 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 res-  
41 idency 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 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

\_\_\_\_\_  
(Signature of Applicant)

45

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.

15