

Understanding Oregon's Gun Laws. **OREGON GUN LAWS UPDATE**

While not a change to the gun law itself, on May 31, 2007 the Governor signed Senate Bill 81. This bill was a response to the Federal law that denies firearms rights, for life, to anyone convicted of a "domestic violence" misdemeanor. Senate Bill 81 requires that before a person can plead guilty to a "domestic violence" misdemeanor, he or she must be informed of that Federal law.

Chapter 5

The 2007 Legislature also passed HB 2334. This made several changes to the concealed handgun license law.

It added to the list of people who are prohibited from getting concealed handgun license the following: (see page 36)

- Persons who are required to register as sex offenders.
- Persons who have had dishonorable discharges from the military and
- Persons who have had convictions involving controlled substances.

(The second two categories were already prohibited from owning firearms. Please note, some people required to register as "sex offenders" are guilty of nothing more than touching someone inappropriately, even if by accident.)

There is a somewhat confusing exception to the section dealing with "controlled substance" convictions.

The actual law is quoted below. It is defining who *may* apply for a CHL. An explanation follows.

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

(A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed a court-supervised drug diversion program under ORS 135.907; or

(B) The person has completed a court-supervised drug diversion program under ORS 135.907 and has not been convicted of violating ORS 475.864 (3);

What this means (in English) is that the prohibition on CHL's that would apply to persons with drug convictions DOES NOT apply to a person with only **one** conviction for a small amount of marijuana.

The language discussing “court supervised diversion programs” means that a person who completed a diversion program would be treated the same as a person with a single conviction. So, if you completed a diversion program and then were convicted of a *second* marijuana possession charge, that would be treated the same as two convictions and you would be prohibited from getting a CHL.

The bill also changed the way your residence is defined. (See page 33) Prior to the enactment of HB 2334, the law required that you have “a principle residence” in the county in which you applied. 2334 changes that language to “Is a resident of the county.”

To prove you are a “resident” the following tests apply:

The applicant:

- (a) Has a current Oregon driver license issued to the person showing a residence address in the county;*
- (b) Is registered to vote in the county and has a memorandum card issued to the person under ORS 247.181 showing a residence address in the county;*
- (c) Has documentation showing that the person currently leases or owns real property in the county; or*
- (d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.*

Finally, the bill allows active duty military personnel to renew their licenses by mail. Please note, the changes note here take effect January of 2008.

Chapter 6.

(See page s 39 and 40.)

On May 2nd 2007, the Appellate Court reversed themselves in the case of **Bates vs Gordon.**

On remand, the Court considered the legislative history of the relevant statutes. The legislative history demonstrated that the legislature merely meant to clean the language of the statutes and not to change the meanings. This led the Court to conclude it previously erred in interpreting the law to remove the grounds for revoking a concealed handgun license.

What this means is, unlike what pages 39 and 40 say, at this point, sheriffs CAN revoke for the same reasons they may deny. As was predicted on page 40, legislation to implement (HB 2003) passed in the Oregon Legislature and was signed by the Governor on May 31, 2007.