



Oregon

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The Honorable Tina Kotek, House of Representatives Speaker
The Honorable Peter Courtney, Senate President
Oregon State Capitol
900 Court St. NE
Salem, Oregon 97301

166.297 Annual report regarding revocation of licenses. (1) The sheriff of a county shall submit annually to the Department of State Police a report containing the number of concealed handgun licenses revoked during the reporting period and the reasons for the revocations. (2) The Department of State Police shall compile the reports submitted under subsection (1) of this section and shall submit the compilation to the Legislative Assembly biennially. [1993 c.735 §13]

In compliance with ORS 166.297, the attached "2016 Oregon Concealed Handgun License Revocation Annual Report" has been compiled from individual reports received from each of Oregon's 36 county Sheriff's Concealed Handgun units. Each county report includes the total number of revocations and a breakdown as to the reason for each of the revocations by individual category for the 2016 calendar year. The Oregon State Police report is provided for a statewide view of the totals submitted.

Included with this report for your reference, is a list of definitions for the category codes used by the counties to report the reason for each revocation. These reporting codes are established by the Sheriff's and maintained on their behalf in the Oregon State Police Law Enforcement Data System (LEDS).

These codes are utilized by the counties to indicate the status of a Concealed Handgun License and the grounds for the revocation. The LEDS code is meant to be an abbreviated statement for law enforcement reference; however in the course of conducting this regulatory function, revocation information used is in greater detail. For instance, ORS 166.293(b) requires that the county sheriff notify the applicant in writing regarding the grounds for which the application is denied. The letter of revocation will include a more in-depth reason for the revocation than stated in the LEDS code. The letter will also include the specific ORS reflecting the grounds for the revocation.

For questions about this compiled report, I may be reached at 503-934-2305. Questions regarding specific information submitted by an individual county or regarding the reason for a revocation should be directed to the appropriate county.

Patricia R. Whitfield
Criminal Justice Information Services Division

Cc: Legislative Administration Office

Enclosures



**OREGON CONCEALED HANDGUN LICENSE REVOCATION ANNUAL REPORT
REPORTING YEAR - 2016**

COUNTY	REASON FOR REVOCATION - refer to attached definitions																				TOTAL REVOCATIONS**		
	RVP	R01	R02	R03	R04	R05	R06	R07	R08	R09	R10	R11	R12	R13	R14	R15	R16	R17	R18	R19		R20	R21
Baker	0	3	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	5
Benton	0	9	0	0	1	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	14
Clatsop	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	0	0	0	0	0	7
Clackamas	9	63	22	11	2	0	0	0	0	8	16	0	0	0	0	0	16	0	0	0	0	0	147
Columbia	0	11	3	3	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21
Coos	0	8	6	0	1	1	0	0	0	5	0	0	0	0	0	0	0	0	0	2	0	0	23
Crook	1	9	1	1	2	1	1	0	0	3	0	0	0	0	0	1	0	0	0	0	0	0	20
Curry	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Deschutes	0	24	11	2	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	42
Douglas	7	13	3	3	1	0	0	0	0	10	0	2	0	0	0	0	2	0	0	0	0	0	41
Gilliam	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Grant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harney	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Hood River	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	3	0	0	0	0	0	0	6
Jackson	0	33	11	0	0	2	0	0	0	2	0	0	0	0	0	0	12	0	0	0	0	0	60
Jefferson	0	4	1	2	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	10
Josephine	1	3	1	2	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	9
Klamath	0	3	2	1	2	0	0	0	0	2	0	0	0	0	0	1	1	0	0	0	0	0	12
Lake	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Lane	5	24	9	11	2	1	0	0	0	4	4	0	0	0	0	0	20	0	0	9	0	0	89
Lincoln	1	7	2	1	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	14
Linn	25	33	9	9	0	1	1	0	0	3	0	0	0	0	0	0	6	0	0	1	0	0	88
Malheur	0	2	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Marion	3	39	8	2	2	0	0	0	0	6	1	0	0	0	0	8	0	0	0	0	0	0	69
Morrow	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Multnomah	15	69	20	3	0	1	1	0	0	3	2	0	0	0	0	1	26	0	0	0	0	0	141
Polk	0	15	0	2	0	0	0	0	0	10	0	0	0	0	0	0	1	0	0	0	0	0	28
Sherman	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Tillamook	0	12	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14
Umatilla	2	11	1	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	16
Union	1	2	1	1	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	8
Wallowa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wasco	0	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0
Washington	5	94	24	1	0	0	0	0	0	0	0	0	0	0	0	0	22	0	0	3	0	0	149
Wheeler	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yamhill	0	16	8	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	31
TOTALS	75	522	151	58	19	10	3	1	0	76	23	0	2	0	0	9	126	0	0	15	0	1,090	

For further details, please contact the appropriate reporting county.

REVOCATION CODES - 2011 / INCLUDING 2012 UPDATES

May 22, 2012

RVP = REVOCATION PENDING: a license that is in the process of revocation and has not yet been served or delivered to the subject. *ORS 166.293 (3)(b) A sheriff may revoke a concealed handgun license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee receipt of the notice. Key point; when you are unable to make service on a revocation the code of "pending" should remain in the LEDS system until services is made.*

R01 = PRE-TRIAL RELEASE FOR MISDEMEANOR: *"ORS 166.291 (1)(e)" subject is currently on pre-trial release. Key point; pretrial release can include forms of diversion as well as cite in lieu of arrest.*

R02 = PRE-TRIAL RELEASE FOR FELONY: *"ORS 166.291 (1)(e)" subject is free on a form of pretrial release. Key point; pretrial release may include forms of diversion as well as cite in lieu of arrest.*

R03 = MISDEMEANOR CONVICTION: *"ORS 166.291(1)(h)" subject has been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application.*

R04 = FELONY CONVICTION: *"ORS 166.291(1)(g)" subject has been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony; Key point; never been convicted or found guilty. If the person was found guilty they are not eligible even if the charge was reduced at a later date to a misdemeanor.*

R05 = MISDEMEANOR WARRANT: *"ORS 166.291(1)(d)" subject has outstanding warrants for arrest; Key point; includes warrants from other states.*

R06 = FELONY WARRANT: *"ORS 166.291(1)(d)" subject has outstanding warrants for arrest; Key point; includes warrants from other states.*

R07 = FALSE APPLICATION: *ORS 166.291(3)(4) covers the content of the application and includes "I have read the entire text of this application, and the statements therein are correct and true. (making false statements on this application is a misdemeanor.)" Key point; the statement which was falsified will most often be a disqualifier under one of the other revocation codes.*

***R08 = FEDERAL PROHIBITION:** *This code has been retired effective January 2012. Key point; we may no longer revoke based on federal law following an Oregon State Court of Appeals ruling (Willis v. Winters).*

R09 = ENDANGER SELF/OTHERS/COMMUNITY: *ORS 166.293(2) Not with standing ORS 166.291(1), and subject to review as provided in subsection (5), a sheriff may deny a concealed handgun license if the sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state or as*

demonstrated by the applicant's past pattern of behavior involving unlawful violence or threats of unlawful violence. ORS 166.293(3)(a) "Any act or condition that would prevent the issuance of a concealed handgun license is cause for revoking a concealed handgun license." **Key points;** this is a two part statement the ORS statement allows the sheriff to use his or her discretion when revoking a holder if they have reasonable grounds to believe the person could be a danger to self others or community based on the applicant's mental or psychological state. No pattern is necessary since this statement is followed by the word "or". If you are revoking or denying based on unlawful violence or threats of unlawful violence there must be a pattern of violence or threat of violence. This revocation code could be used by the sheriff to revoke a person based on a POH (police officer hold) as well as persons who have restraining orders from other states.

R10 = FAILURE TO MEET RESIDENCY REQUIREMENT: ORS 166.291 (c) is a resident of the county. ORS 166.291(9) a person is a resident if;

- (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.
- (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.

Key point; Only real property qualifies for residency. A postal mailbox is not considered real property. A person that owns property in multiple counties could be issued a CHL by any of those counties.

***R11 = ORS 166.300 LOSS OF RIGHT TO BEAR ARMS:** This code has been retired effective January 2012. **Key point;** this code was eliminated due to the fact that if someone has lost the right to bear arms the reason for that loss will fall under one of the other revocation codes.

R12 = DANGER MENTAL: ORS 166.291(j) subject has been found to be mentally ill and is subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of mental illness.

***R13 = DRUG ADDICTION:** This code has been retired effective January 2012. **Key point;** in some cases this code may now fall under RO9 Danger to self/ others/ community.

***R14 = ALCOHOL ADDICTION:** This code has been retired effective January 2012. **Key point;** in some cases this code may now fall under RO9 Danger to self/ others/ community.

R15 = CONDITION OF APPLICATION NOT MET: **Key point;** this could include but is not limited to such provisions as; failure to provide citizenship documentation, firearm safety documentation, not yet 21 years of age etc.

R16 = SUBJECT TO ORS 163.735, 30.866,107.732,163.738: ORS 166.291(m) Oregon protection orders only. This can only be used when the subject is listed as a respondent on an Oregon issued protection order. **Key point;** out of state protections are not revocable under R16, but may be revoked in some situations under R09.

***R17 = PATTERN OF BEHAVIOR:** This code has been retired effective January 2012. **Key point;** this code may now fall under RO9 Danger to self / others/ community.

NEW REVOCATION CODES AS OF JANUARY 2012

R18 = JUVENILE PROHIBITION: “ORS 166.291 (k)” subject has been discharged from the jurisdiction of the juvenile court within the past four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence as defined by ORS 166.470. **Key point;** if the applicant spent time under juvenile jurisdiction it must have been more than 4 years prior to application. If the crime was a felony if committed by an adult they are not eligible. If the crime was a violent crime involving violence as defined by ORS 166.470 they are not eligible.

R19 = DRUG CONVICTION OR DIVERSION: “ORS 166.291(L)” subject has been convicted on 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 135.907 and has not been convicted of violating ORS 475.864 (3).

Key point; ORS 166.291 does not allow you to have any out of state drug offenses. The term “offenses” includes violation convictions as well as criminal convictions. If the subject has only 1 Oregon conviction or has been sentenced to an Oregon court-supervised diversion program they are qualified. If the subject has more than one sentenced diversion or conviction for a drug crime they are not eligible.

R20 = DISHONORABLE DISCHARGE: “ORS 166.291(n)” subject has received a dishonorable discharge from the Armed Forces of the United States. **Key point;** “other than honorable” discharge is allowed under Oregon law.

R21 = REGISTERED SEX OFFENDER: “ORS 166.291(o)” subject is required to register as a sex offender in any state. **Key point;** there are some sex crimes that do not require a person to register as a sex offender.

Denial codes added in 2012; for each of the above revocation codes there is a corresponding Denial code.