

TABLE OF APPENDICES

Court of Appeals Decision..... APP 1a

Order Denying Review APP 5a

Trial Court Judgment..... APP 6a

Constitutional Provisions Involved..... APP 7a

Statutory Provisions Involved APP 8a

FILED: April 16, 2025

IN THE COURT OF APPEALS OF THE STATE OF OREGON

CITY OF PORTLAND,
Plaintiff-Respondent,

v.

ABDULLAHI SAID ALI, aka Abdullahi Ali,
Defendant-Appellant.

Multnomah County Circuit Court
21CR33362

A181186

Monica M. Herranz, Judge pro tempore.

Submitted on March 18, 2025.

Erik Blumenthal, Deputy Public Defender, filed the briefs for appellant. Also on the briefs was Ernest G. Lannet, Chief Defender, Criminal Appellate Section, Oregon Public Defense Commission.

Fallon Niedrist de Guzman, Deputy City Attorney, Office of the City Attorney, City of Portland, filed the brief for respondent.

Before Ortega, Presiding Judge, Lagesen, Chief Judge, and Hellman, Judge.

LAGESEN, C. J.

Affirmed.

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondent

[] No costs allowed.
[] Costs allowed, payable by

1 LAGESEN, C. J.

2 Defendant appeals a judgment of conviction, pursuant to a stipulated facts
3 trial, for possession of a loaded firearm in public, in violation of Portland City Code
4 (PCC) 14A.60.010(A). He assigns error to the trial court's denial of his motion to
5 dismiss, or, in the alternative, demurrer to Count 1. In that motion, he asserted that the
6 charging instrument failed to state an offense or otherwise should be dismissed. That was
7 so, according to defendant, either because PCC 14A.60.010(A) is facially
8 unconstitutional under the Second Amendment to the United States Constitution, as
9 incorporated against the states via the Fourteenth Amendment, or, instead, because PCC
10 14A.60.010(A) is unconstitutional as applied to defendant. On appeal, defendant
11 contends that the trial court erred when it denied the motion to dismiss/demurrer based on
12 his facial challenge and, alternatively, that the trial court erred when it denied the motion
13 to dismiss/demurrer based on his as-applied challenge.

14 We affirm. Defendant's facial challenge fails under our recent cases, *City of*
15 *Portland v. Sottile*, 336 Or App 741, 561 P3d 1159 (2024), and *State v. Vinge*, 337 Or App
16 621, 564 P3d 621 (2025), and, accordingly, the trial court properly rejected it.

17 Defendant's as-applied challenge also fails. To the extent that he raised the
18 issue by way of a demurrer, the trial court correctly rejected it because it rested on facts
19 outside the charging instrument and, consequently, could not be raised by demurrer. *State*
20 *v. Worthington*, 251 Or App 110, 116-17 & n 3, 282 P3d 24 (2012) (explaining that a
21 demurrer is not an appropriate way to raise an as-applied constitutional challenge where

1 the defendant relies on facts extrinsic to the charging instrument).

2 As for the propriety of raising an as-applied constitutional challenge by
3 way of a motion to dismiss, we left that procedural question open in *State v. Barrett*, have
4 yet to resolve it, and need not resolve it here. 302 Or App 23, 30, 460 P3d 93, *rev den*,
5 366 Or 731 (2020) (en banc) (assuming without deciding that a fact-based, as-applied
6 constitutional challenge can be raised via a pretrial motion to dismiss). That is because,
7 as was true in *Barrett*, the factual record that defendant created in support of his motion is
8 inadequate to permit a meaningful evaluation of his claim. *See id.* ("We begin and end
9 with the recognition that, with her pretrial motion, defendant did not develop a factual
10 record that was sufficient to permit the court to determine whether conviction of
11 defendant" would violate the constitution as applied to her.).

12 Defendant's only evidence in support of his contention that PCC
13 14A.60.010(A), as applied to him, would impermissibly burden the individual Second
14 Amendment right to carry a firearm recognized by the United States Supreme Court is a
15 hospital report indicating that, approximately six months before the events giving rise to
16 the charge, defendant was treated for a gunshot wound. The report indicates that
17 defendant was "a level [one] trauma transfer direct to OR for evaluation and management
18 of injuries sustained during a [gunshot wound] prior to arrival. The exact circumstances
19 leading up to the patient's injuries are unknown." From that evidence alone, defendant
20 suggests that it can be inferred that the Second Amendment safeguards for self-defense
21 preclude the enforcement of PCC 14A.60.010(A) against him. But the fact that defendant

1 sustained a gunshot wound six months earlier, absent additional evidence of the
2 circumstances of the incident or as to why defendant was carrying a firearm in a manner
3 that contravened PCC 14A.60.010(A) six months after his injury, does not permit a
4 reasonable inference that PCC 14A.60.010(A) poses a constitutionally impermissible
5 impediment to defendant's ability to carry a firearm for purposes of self-defense.

6 Affirmed.

IN THE SUPREME COURT OF THE STATE OF OREGON

City of Portland,
Plaintiff-Respondent,
Respondent on Review,

v.

Abdullahi Said Ali, aka Abdullahi Ali,
Defendant-Appellant,
Petitioner on Review.

Oregon Court of Appeals
A181186

S071996

ORDER DENYING REVIEW

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.



Meagan A. Flynn
Chief Justice, Supreme Court
September 18, 2025

Bushong, J., not participating.

c: Erik M Blumenthal

Fallon Niedrist de Guzman

ORDER DENYING REVIEW

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

6a

STATE OF OREGON

JUDGMENT

Other Plaintiff

MISDEMEANOR

AMENDED JUDGMENT

SUPPLEMENTAL JUDGMENT

CASE NO. 21CR33362

DA NO. 2437286-1

PROCEEDING DATE 4/12/23 FTR Clerk Reporter Interpreter Name:

Deputy District Attorney: Z. Johnson Bar No. 224314 Defense Attorney: L. Wachocki Bar No. 109349

Defendant Appearance: In Person In Custody In Person Out of Custody By Telephone By Video Waived Appearance

Representation Status: Court Appointed Privately Retained Found Indigent and Waived Attorney Waived Attorney (Pro Se)

Judgment of Dismissal on counts: Judgment of Acquittal on Finding of Not Guilty on counts:

The Court determines that the defendant is convicted of the below listed count. Def waives 48 hrs.

Count Offense: Incident Date: Is a Lesser Included Offense

Misdemeanor Treated as Violation: Prosecutor Elects (ORS 161.566) Misdemeanor Treated as Violation: Court Elects (ORS 161.568)

This conviction of menacing assault IV constituting domestic violence qualifies as a designated misdemeanor (ORS 423.478)

Guilty based upon: Guilty Plea No Contest Plea Stipulated Facts Trial Court Trial Jury Date of Guilty Plea

Statutory Requirements: HIV Blood Draw DNA Blood Draw/Buccal Sample Sex Offender Registration

License Information: Suspend Revoke Type: Drivers Other Duration: days / months / years / permanent

PROBATION Type: Supervised Bench Duration: days / months / years

Defendant subject to all general conditions of probation in ORS 137.540(1) unless specifically deleted by the court. Delete #'s:

The following special conditions of probation are imposed:

Probation Judge (if specified):

Packages (attach conditions of any package imposed): Alcohol Drug Misdemeanor Monitoring Program (MMP) Sex Offender

Community Service Completed By Report to Probation by:

No Contact Victim

Victim's Panel by

Drug Alcohol Mental Health Evaluation and any Recommended Treatment (check all that apply)

No trespass/entry

Domestic Violence Conditions (See Attached Form)

You are permanently prohibited from possessing firearms and ammunition, effective immediately under ORS 166.250 & ORS 166.255. You could be charged with a new crime of Unlawful Possession of a Firearm if you knowingly violate these provisions. You must comply with the terms in the attached Surrender & Return document. You must surrender your firearms according to the instructions in that document within 24 hours and file the required Declaration and Proof of Transfer with the court and DA within 2 court business days.

Other Conditions: -confiscate and destroy weapon seized and ammunition Sentence of discharge

INCARCERATION Duration: days / months / years / units Jail Remand immediately to Sheriff

Report to Sheriff by: to arrange TSI date Weekends OK

Consecutive to: By Stipulation Findings per ORS 137.123(5):

Concurrent with: Other

INCARCERATION OPTIONS

Defendant MAY MAY NOT* be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478.

*Basis for ineligibility Stipulation Substantial and compelling reasons stated on the record Defendant is eligible for Good Time/Work Time ONLY

MONEY AWARD Fine \$ Waive; Waive all fines, fees, and assessments

Suspend: \$; Suspend pending successful completion of probation: \$; Suspend upon successful completion of probation: \$

Intoxication Conviction Fee (ORS 813.030); Attorney Fees \$ waived; Other: \$

Comp Fine Restitution \$ Victim: TBD: Hrg set for J/S with

Comp Fine Restitution \$ Victim: TBD: Hrg set for J/S with

Leave Restitution Open 90 Days.

All financial obligations in the money judgment are a condition of probation. Award and Payment Information (Form #06-60) must accompany Judgment if restitution or compensatory fine is ordered. All statutory assessments and fees applicable to each charge disposed, including contribution fees unpaid and not entered as a judgment previously, are imposed and are to be added by the Clerk of the Court on this judgment.

PAYMENT TERMS: Full payment of all financial obligations is due within 30 days of the date of this judgment unless court collections unit, probation officer, or post-prison supervision officer. The security deposit shall be applied to financial obligations on other circuit court case after satisfaction of any and all orders directing that the deposit be applied to outstanding child support.

21CR33362 JGGL Judgment - General 16574440



Dated: 4/12/23 Judge (Signature) M. Herranz / Name of Judge (printed) Monica Herranz

Constitutional Provisions Involved

Second Amendment to the United States Constitution:

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.”

Section 1, Fourteenth Amendment to the United States Constitution:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Statutory Provisions Involved

PCC 14A.60.010: Possession of a Loaded Firearm in a Public Place.

A. It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.

B. It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.

C. The following are exceptions and constitute affirmative defenses to a violation of this Section:

1. A police officer or other duly appointed peace officers, whether active or honorably retired;
2. A member of the military in the performance of official duty;
3. A person licensed to carry a concealed handgun;
4. A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370;
5. A government employee authorized or required by their employment or office to carry firearms;
6. A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer;
7. A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise;
8. Organizations which are by law authorized to purchase or receive weapons from the United States or from this state;
9. Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization;

10. A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention;

11. Persons travelling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges;

12. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition;

13. A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City; or

14. A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.

D. It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified themselves as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun, or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.

E. Penalty.

1. In the absence of the aggravating factors listed in Subsection 14A.60.010 E.2. of this Code, the court may impose a sentence of up to six months imprisonment and a fine not to exceed \$500 for violation of this Section.

2. When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this Section.

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

- (a)(A) Is a citizen of the United States; or
- (B) Is a legal resident noncitizen who can document continuous residency in the county for at least six months and has declared in writing to the United States Citizenship and Immigration Services the intent to acquire citizenship status and can present proof of the written declaration to the sheriff at the time of application for the license;
- (b) Is at least 21 years of age;
- (c) Is a resident of the county;
- (d) Has no outstanding warrants for arrest;
- (e) Is not free on any form of pretrial release;
- (f) Demonstrates competence with a handgun by any one of the following:
 - (A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;
 - (B) Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;
 - (C) Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;
 - (D) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;
 - (E) Presents evidence of equivalent experience with a handgun through participation in organized shooting competition or military service;
 - (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been revoked; or
 - (G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;
 - (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;
 - (h) Has not 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, including a misdemeanor conviction for the possession of marijuana as described in paragraph (L) of this subsection;
 - (i) Has not been committed to the Oregon Health Authority under ORS 426.130;
 - (j) Has not been found to be a person with mental illness and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
 - (k) Has been discharged from the jurisdiction of the juvenile court for more than 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 in ORS 166.470;
 - (L) 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 can demonstrate that the person has been convicted only once of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or
 - (B) The person can demonstrate that the person has only once completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense;
 - (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738;
 - (n) Has not received a dishonorable discharge from the Armed Forces of the United States;
 - (o) Is not required to register as a sex offender in any state; and
 - (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from purchasing or possessing a firearm.
- (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.
- (3) Before the sheriff may issue a license:

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

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

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

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident noncitizen who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I 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 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental illness and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. I am not under a court order to participate in assisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

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

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

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____

Current address _____

City _____ County _____ Zip _____
Phone _____

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.)

(Signature of Applicant)

Character references.

Name: Address

Name: Address

Approved ___ Disapproved ___ by ___

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

Date _____ Fee Paid _____

License No. _____

-
- (5)(a) Fees for concealed handgun licenses are:
- (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - (B) \$100 to the sheriff for the initial issuance of a concealed handgun license.
 - (C) \$75 to the sheriff for the renewal of a concealed handgun license.
 - (D) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- (b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- (6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.
- (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.
- (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:
- (a) Has a current Oregon driver license issued to the person showing a residence address in the county;
 - (b) Is registered to vote in the county and has a voter notification 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.
- (10) As used in this section, "drug diversion program" means a program in which a defendant charged with a marijuana possession offense completes a program under court supervision and in which the marijuana possession offense is dismissed upon successful completion of the diversion program. [1989 c.839 §8 (166.291 to 166.293 enacted in lieu of 166.290); 1991 c.67 §38; 1993 c.732 §2; 1993 c.735 §4; 1995 c.729 §6; 1999 c.1052 §6; 2001 c.104 §56; 2003 c.166 §1; 2005 c.22 §115; 2007 c.368 §2; 2009 c.595 §113; 2009 c.826 §§7,10; 2011 c.547 §§33,34; 2013 c.243 §§4,5; 2013 c.360 §§8,9; 2013 c.591 §§6,7; 2014 c.62 §§1,2; 2015 c.50 §§15,16; 2015 c.201 §5; 2021 c.146 §12; 2022 c.97 §5]

166.292 Procedure for issuing; form of license; duration. (1) If the application for the license is approved, the sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of

the application, a wallet sized license bearing the photograph of the licensee. The license must be signed by the licensee and carried whenever the licensee carries a concealed handgun.

(2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license.

(3) Licenses for concealed handguns shall be uniform throughout the state in substantially the following form:

OREGON CONCEALED HANDGUN
LICENSE

County _____ License Number _____
Expires _____ Date of birth _____
Height _____ Weight _____
Name _____ Address _____
Licensee's City _____ Zip _____ Photograph _____
Signature _____
Issued by _____
Date of issue _____

(4) An Oregon concealed handgun license issued under ORS 166.291 and this section, unless revoked under ORS 166.293, is valid for a period of four years from the date on which it is issued.

(5) The sheriff shall keep a record of each license issued under ORS 166.291 and this section, or renewed pursuant to ORS 166.295.

(6) When a sheriff issues a concealed handgun license under this section, the sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law. [1989 c.839 §9 (166.291 to 166.293 enacted in lieu of 166.290); 1993 c.625 §5; 1993 c.693 §2; 1993 c.735 §5]

166.293 Denial or revocation of license; review. (1) If the application for the concealed handgun license is denied, the sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted delivery, within 45 days after the application was made. If no decision is issued within 45 days, the person may seek review under the procedures in subsection (5) of this section.

(2) Notwithstanding ORS 166.291 (1), and subject to review as provided in subsection (5) of this section, 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.

(3)(a) Any act or condition that would prevent the issuance of a concealed handgun license is cause for revoking a concealed handgun license.

(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's receipt of the notice.

(4) Any peace officer or corrections officer may seize a concealed handgun license and return it to the issuing sheriff if the license is held by a person who has been arrested or cited for a crime that can or would otherwise disqualify the person from being issued a concealed handgun license. The issuing sheriff shall hold the license for 30 days. If the person is not charged with a crime within the 30 days, the sheriff shall return the license unless the sheriff revokes the license as provided in subsection (3) of this section.

(5) A person denied a concealed handgun license or whose license is revoked or not renewed under ORS 166.291 to 166.295 may petition the circuit court in the petitioner's county of residence to review the denial, nonrenewal or revocation. The petition must be filed within 30 days after the receipt of the notice of denial or revocation.

(6) The judgment affirming or overturning the sheriff's decision shall be based on whether the petitioner meets the criteria that are used for issuance of a concealed handgun license and, if the petitioner was denied a concealed handgun license, whether the sheriff has reasonable grounds for denial under subsection (2) of this section. Whenever the petitioner has been previously sentenced for a crime under ORS 161.610 or for a crime of violence for which the person could have received a sentence of more than 10 years, the court shall grant relief only if the court finds that relief should be granted in the interest of justice.

(7) Notwithstanding the provisions of ORS 9.320, a party that is not a natural person, the state or any city, county, district or other political subdivision or public corporation in this state, without appearance by attorney, may appear as a party to an action under this section.

(8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of filing or as soon as practicable thereafter.

(9) Filing fees for actions shall be as for any civil action filed in the court. If the petitioner prevails, the amount of the filing fee shall be paid by the respondent to the petitioner and may be incorporated into the court order.

(10) Initial appeals of petitions shall be heard de novo.

(11) Any party to a judgment under this section may appeal to the Court of Appeals in the same manner as for any other civil action.

(12) If the governmental entity files an appeal under this section and does not prevail, it shall be ordered to pay the attorney fees for the prevailing party. [1989 c.839 §9a (166.291 to 166.293 enacted in lieu of 166.290); 1993 c.735 §6; 1995 c.518 §3; 1995 c.658 §89; 1999 c.1052 §7; 2003 c.14 §65; 2007 c.202 §1; 2007 c.368 §3; 2015 c.7 §8]

166.295 Renewal of license. (1)(a) A concealed handgun license is renewable by repeating the procedures set out in ORS 166.291 and 166.292, except for the requirement to submit fingerprints and provide character references. A licensee may submit the application for renewal by mail if the licensee:

(A) Is an active member of the Armed Forces of the United States, the National Guard of the United States or the Oregon National Guard; and

(B) Submits with the application proof of the licensee's military orders and a copy of the licensee's military identification.

(b) An otherwise expired concealed handgun license continues to be valid for up to 45 days after the licensee applies for renewal if:

(A) The licensee applies for renewal before the original license expires;

(B) The licensee has proof of the application for renewal; and

(C) The application for renewal has not been denied.

(2) If a licensee changes residence, the licensee shall report the change of address and the sheriff shall issue a new license as a duplication for a change of address. The license shall expire upon the same date as would the original. [1989 c.839 §10; 1993 c.735 §7; 2007 c.368 §4]