



## DEPARTMENT OF JUSTICE

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December 2, 2019

Jonathan R. Fulkerson  
Deputy Attorney General  
Ohio Attorney General  
30 East Broad Street, 17th Floor  
Columbus, OH 43215

RE: Your Letter regarding Concealed Handgun License Reciprocity Agreement

Dear Mr. Fulkerson:

We are in receipt of your letter seeking to know if Oregon is: 1) Interested in negotiating a reciprocity agreement with the State of Ohio; 2) Whether an Ohio licensee may currently carry a concealed firearm in Oregon; and 3) Whether an Ohio licensee may apply for a license or permit to carry a firearm in Oregon.

Oregon law concerning concealed handgun licenses is found in Oregon Revised Statutes (ORS) 166.291. This law allows the issuance of concealed handgun licenses only under certain conditions. One of those conditions is that an Oregon concealed handgun license may generally only be issued by an Oregon Sheriff to a resident of the Oregon County in which the applicant resides. (ORS 166.291(1)(c)).

Oregon law allows issuance of a concealed handgun license to a resident of another state only under the circumstances set out in ORS 166.291(8), which provides, "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." The waiver of the Oregon residency requirement is first contingent on the applicant being a resident of a contiguous state, i.e., only Washington, Idaho, Nevada, or California. So for non-contiguous states like Ohio, there is no authority for a resident of your state to obtain an Oregon concealed handgun license from an Oregon Sheriff. Second, the waiver of the Oregon residency requirement is based on a showing of a compelling business interest or other legitimate demonstrated need. Third, the waiver of the Oregon residency requirement is completely discretionary with an Oregon Sheriff, i.e., even if the applicant from a contiguous state were to

make such a show of a compelling business interest or other legitimate demonstrated need, an Oregon Sheriff may nevertheless deny the application.

There is currently no mechanism in Oregon law for the Oregon Attorney General, or any other member of the Executive Branch, to enter into a reciprocal agreement with another state to recognize that other state's concealed handgun license and allow persons from that other state to carry a firearm concealed upon the person in Oregon. Only the legislature has that authority. Specifically, in 1995, the Oregon legislature passed ORS 166.170, which provides, in pertinent part, “ (1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.” Consequently, it is up to the Oregon legislature to determine – by statute – whether to acknowledge another state’s concealed handgun licensing and allow a person from that other state with such a license to carry a concealed handgun in Oregon. To date, the Oregon legislature has not done that for any other state, including the State of Ohio.

Please let me know if you have any questions.

Sincerely,



Frederick M. Boss  
Deputy Attorney General

FMB:pjn/DM9970070

c via email only: Herb Lovejoy