



**EXECUTIVE ORDER NO 16-12**

**ENHANCING GUN SAFETY IN OREGON**

In the past 17 months, more than 600 Oregonians have died from gun violence—more than 100 of those deaths were homicides.

This, coupled with several devastating episodes of gun violence in other states, calls for immediate action to protect Oregonians and our communities from gun violence.

Ensuring that existing Oregon laws are enforced to their fullest extent increases the likelihood that illegal firearm deals will be detected and guns kept out of the hands of people legally prohibited from having them (“prohibited persons”). Giving the Oregon State Police and other local authorities the tools to track and analyze gun transactions is an important step in that direction.

**NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

1. Oregon Revised Statutes 166.412(7) and 166.436(5) make it clear that Oregon State Police (OSP) has authority to retain firearms transactions data for five years, although it currently does not retain the data for that long. I hereby direct OSP to update its software and backup programs and to begin retaining data for as long as the department is statutorily authorized to so do.
  - a. The department shall use data available from the federal E-Trace program, as well as the department’s rolling five year data, to trace all firearms used in the commission of a crime that come into its possession: (1) as collected evidence; or (2) as submitted to the department by another agency for forensic examination.
  - b. The department shall examine data obtained in paragraph 1(a), above, to determine if purchase patterns exist thus allowing for appropriate investigations to be initiated.
2. Oregon Revised Statutes 166.412(7)(c) provides that OSP can report to local law enforcement agencies when a prohibited person attempts to obtain a firearm and the transaction is denied. When that occurs, either the department or a local agency conducts an investigation into the attempted unlawful acquisition. The department generates a report tracking all denials and the dispositions of any new criminal cases initiated after such an investigation is completed. I am directing the department to continue its current investigation and reporting practices. In addition, regardless of whether the department or another agency



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investigates the new potentially criminal activity, I am directing the department to share the report of the attempted acquisition with relevant local authorities in the following circumstances:

- a. When the prohibited person is on probation, notification shall be made to the supervising judge, the supervising community corrections department, and the District Attorney's Office.
  - b. When the prohibited person is on parole or post-prison supervision, notification shall be made to the community corrections department or the Board of Parole and Post-prison Supervision.
  - c. When the prohibited person is subject to a court-issued release agreement or protective order, notification shall be made to the issuing judge and the District Attorney's Office.
  - d. When the prohibited person is subject to supervision by the Psychiatric Security Review Board (PSRB) or Juvenile PSRB, and a firearms prohibition has resulted from that supervision, notification shall be made to the supervising Board.
3. In order to develop future policies that will enhance firearm safety in Oregon:
- a. I direct the Oregon Health Authority (OHA) to determine whether it receives the appropriate data to properly and thoroughly study the effects of gun violence and suicide in Oregon. If there is additional data that would further inform the agency, it shall work with my office to determine whether executive action or statutory amendment is necessary to obtain the data. OHA shall share any data it has available with an institution of higher learning or other entity engaged by the state to study firearms related deaths or crimes. Finally, OHA will report annually on gun violence and its effect on public health and, when warranted, recommend policies to reduce gun violence in Oregon.
  - b. I am creating a new work group to review and assess gun-related domestic violence offenses in two ways:



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- i. In counties that have established gun relinquishment protocols in domestic violence cases, review the outcomes and make recommendations as to whether a statewide policy would enhance the safety of domestic violence survivors and Oregonians generally; and
  - ii. Ensure that when an individual is subject to a court order in a domestic violence case that prohibits the individual from possessing a firearm, the prohibition is timely transmitted to the systems utilized for criminal history records checks when a concealed handgun license is sought or a firearms transaction is attempted. The work group will make recommendations to improve the effectiveness of the system and close any gaps that are identified.
4. This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this 15<sup>th</sup> day of July, 2016.

A handwritten signature in blue ink that reads "Kate Brown".

Kate Brown  
GOVERNOR

ATTEST:

A handwritten signature in black ink that reads "Jeanne P. Atkins".

Jeanne P. Atkins  
SECRETARY OF STATE

