

Questions related to Oregon Judicial Department Financial Impact Projections in the Draft Report

1. Does the Judicial Dept or OSP how many denials of a right to purchase a gun were actually filed in circuit courts last year? Wouldn't that be a more accurate figure to use for calculating the financial impact of the judicial department?
 - a. **OJD Response:** A denial for purchasing a handgun due to a failed background check by OSP does not have a direct appeal route to the circuit courts.

2. Is there some way to find out the number of actual appeals from the courts or another source?
 - a. **OJD Response:** OJD does not have a case type specific to appeals for concealed handgun licenses denials. The case type is captured as "Gun Permit Appeal cases" which may also include, in addition to appeals to concealed handgun licenses, petitions to apply for relief from prohibition against possessing or receiving firearms. OJD has experienced a high rate of growth for these case types in the past few years from 74 in 2017 to 245 in 2021.

OSP established an email inbox in March of 2022 specifically to respond to firearm appeals for those who were denied firearms based on a background check. OSP estimates that approximately 11% of those who were denied firearms appealed administratively to OSP through the email inbox.

3. Does the Judicial Dept or OSP know of any sources that indicate the actual number of appeals to the Court of Appeals after a circuit court upheld the decision of OSP that the buyer failed the background check? How did they come to the conclusion that 70% might be appealed?
 - a. **OJD Response:** After reviewing OJD's data, notice of appeals that were filed to the court of appeals were rare for "Gun Permit Appeal" cases and only 2 were filed in 2021. The 70% figure was an assumption that was made based on a short response time frame and limited information. We are adjusting our fiscal analysis downwards based on this new information.

4. It seems it would be more accurate to either use the number of reported appeals or past numbers or, if that is unavailable, to conclude it is indeterminate?
 - a. **OJD Response: Yes, OJD agrees.**