

Senate Bill 1551

Sponsored by Senator BURDICK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates affirmative defense exempting concealed handgun licensees from crime applicable to possession of firearm or other instrument used as dangerous weapon, while in public building or on grounds adjacent to public building.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to weapons; amending ORS 166.262 and 166.370; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 166.370 is amended to read:

5 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
6 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
7 guilty of a Class C felony.

8 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
9 tionally possesses:

10 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
11 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
12 officer.

13 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
14 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
15 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

16 (b) The presiding judge of a judicial district may enter an order permitting the possession of
17 specified weapons in a court facility.

18 (3) Subsection (1) of this section does not apply to:

19 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while
20 acting within the scope of employment.

21 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,
22 while the summoned person is engaged in assisting the officer.

23 (c) An active or reserve member of the military forces of this state or the United States, when
24 engaged in the performance of duty.

25 *[(d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.]*

26 *[(e)]* **(d)** A person who is authorized by the officer or agency that controls the public building
27 to possess a firearm or dangerous weapon in that public building.

28 *[(f)]* **(e)** An employee of the United States Department of Agriculture, acting within the scope
29 of employment, who possesses a firearm in the course of the lawful taking of wildlife.

30 *[(g)]* **(f)** Possession of a firearm on school property if the firearm:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

2 (B) Is unloaded and locked in a motor vehicle.

3 (4) The exceptions listed in subsection (3)(b) to [(g)] (f) of this section constitute affirmative
4 defenses to a charge of violating subsection (1) of this section.

5 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges
6 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-
7 viction be guilty of a Class C felony.

8 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

9 (A) As part of a program approved by a school in the school by an individual who is partic-
10 ipating in the program;

11 (B) By a law enforcement officer acting in the officer's official capacity; or

12 (C) By an employee of the United States Department of Agriculture, acting within the scope of
13 employment, in the course of the lawful taking of wildlife.

14 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
15 166.279.

16 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a
17 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
18 with only one of the offenses.

19 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
20 fined in ORS 161.015.

21 **SECTION 2.** ORS 166.262 is amended to read:

22 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
23 (b) [or 166.370 (1)] if the person has in the person's immediate possession a valid license to carry a
24 firearm as provided in ORS 166.291 and 166.292.

25 **SECTION 3. This 2012 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
27 **on its passage.**

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