

# Senate Bill 926

Sponsored by Senator BOQUIST; Senators BATES, GEORGE, MORRISETTE, WHITSETT, Representatives OLSON, RICHARDSON, SCHAUFLER, G SMITH, THATCHER, THOMPSON, WHISNANT (at the request of Oregon War Veterans Association)

## 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**.

Exempts honorably discharged and retired members of military from various crimes relating to possession of weapon.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to weapons; creating new provisions; amending ORS 166.173, 166.260, 166.370 and 166.663;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 166.260 is amended to read:

6 166.260. (1) ORS 166.250 does not apply to or affect:

7 (a) Sheriffs, constables, marshals, police officers, whether active or honorably retired, parole and  
8 probation officers or other duly appointed peace officers.

9 (b) Any person summoned by any such officer to assist in making arrests or preserving the  
10 peace, while said person so summoned is actually engaged in assisting the officer.

11 (c) The possession or transportation by any merchant of unloaded firearms as merchandise.

12 (d) Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps of  
13 the United States, or of the National Guard, when on duty, **or honorably discharged or retired**  
14 **members of the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States,**  
15 **or of the National Guard.**

16 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS  
17 166.250 from the United States, or from this state.

18 (f) Duly authorized military or civil organizations while parading, or the members thereof when  
19 going to and from the places of meeting of their organization.

20 (g) A corrections officer while transporting or accompanying an individual convicted of or ar-  
21 rested for an offense and confined in a place of incarceration or detention while outside the confines  
22 of the place of incarceration or detention.

23 (h) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

24 (2) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
25 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

26 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon  
27 the established target ranges, whether public or private, while such members are using any of the  
28 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such  
29 ranges.

30 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-

**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 turning from a hunting or fishing expedition.

2 (3) The exceptions listed in subsection (1)(b) to (h) of this section constitute affirmative defenses  
3 to a charge of violating ORS 166.250.

4 **SECTION 2.** ORS 166.173 is amended to read:

5 166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-  
6 session of loaded firearms in public places as defined in ORS 161.015.

7 (2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

8 (a) A law enforcement officer in the performance of official duty.

9 (b) A member of the military in the performance of official duty **or an honorably discharged**  
10 **or retired member of the military.**

11 (c) A person licensed to carry a concealed handgun.

12 (d) A person authorized to possess a loaded firearm while in or on a public building or court  
13 facility under ORS 166.370.

14 **SECTION 3.** ORS 166.370 is amended to read:

15 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other  
16 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be  
17 guilty of a Class C felony.

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

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

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

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

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

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

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

33 (c) An active or reserve member of the military forces of this state or the United States, when  
34 engaged in the performance of duty, **or an honorably discharged or retired member of the mil-**  
35 **itary forces of this state or the United States.**

36 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

37 (e) A person who is authorized by the officer or agency that controls the public building to  
38 possess a firearm or dangerous weapon in that public building.

39 (f) Possession of a firearm on school property if the firearm:

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

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

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

44 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges  
45 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-

1 viction be guilty of a Class C felony.

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

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

5 (B) By a law enforcement officer acting in the officer's official capacity.

6 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
7 166.279.

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

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

13 **SECTION 4.** ORS 166.663 is amended to read:

14 166.663. (1) No person shall cast from a motor vehicle an artificial light while there is in the  
15 possession or in the immediate physical presence of the person a bow and arrow or a rifle, gun,  
16 revolver or other firearm.

17 (2) Subsection (1) of this section does not apply to a person casting an artificial light:

18 (a) From the headlights of a motor vehicle that is being operated on a road in the usual manner.

19 (b) When the bow and arrow, rifle, gun, revolver or other firearm that the person has in the  
20 possession or immediate physical presence of the person is disassembled or stored, or in the trunk  
21 or storage compartment of the motor vehicle.

22 (c) When the ammunition or arrows are stored separate from the weapon.

23 (d) On land owned or lawfully occupied by that person.

24 (e) On publicly owned land when that person has an agreement with the public body to use that  
25 property.

26 (f) When the person is a peace officer or government employee engaged in the performance of  
27 official duties.

28 (g) When the person has been issued a license under ORS 166.291 and 166.292 to carry a con-  
29 cealed weapon.

30 **(h) When the person is an honorably discharged or retired member of the military.**

31 (3) Violation of subsection (1) of this section is punishable as a Class B violation.

32 **SECTION 5. The amendments to ORS 166.173, 166.260, 166.370 and 166.663 by sections 1**  
33 **to 4 of this 2009 Act apply to conduct occurring on or after the effective date of this 2009**  
34 **Act.**

35 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
37 **on its passage.**

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