

# Senate Bill 1064

Sponsored by Senator DEVLIN

## 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**.

Modifies circumstances under which person convicted of felony may obtain relief from prohibition against possession and transfer of firearms.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the restoration of firearms rights to persons convicted of a felony; creating new pro-  
3 visions; amending ORS 166.250, 166.260, 166.270 and 166.274; and declaring an emergency.

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

5 **SECTION 1.** ORS 166.270 is amended to read:

6 166.270. (1) Any person who has been convicted of a felony under the law of this state or any  
7 other state, or who has been convicted of a felony under the laws of the Government of the United  
8 States, who owns or has in the person's possession or under the person's custody or control any  
9 firearm commits the crime of felon in possession of a firearm.

10 (2) Any person who has been convicted of a felony under the law of this state or any other state,  
11 or who has been convicted of a felony under the laws of the Government of the United States, who  
12 owns or has in the person's possession or under the person's custody or control any instrument or  
13 weapon having a blade that projects or swings into position by force of a spring or by centrifugal  
14 force or any blackjack, slungshot, sandclub, sandbag, sap glove, metal knuckles or an Electro-  
15 Muscular Disruption Technology device as defined in ORS 165.540, or who carries a dirk, dagger  
16 or stiletto, commits the crime of felon in possession of a restricted weapon.

17 (3) For the purposes of this section, a person "has been convicted of a felony" if, at the time  
18 of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it  
19 was committed. Such conviction shall not be deemed a conviction of a felony if:

20 (a) The court declared the conviction to be a misdemeanor at the time of judgment; or

21 (b) The offense was possession of marijuana and the conviction was prior to January 1, 1972.

22 (4) Subsection (1) of this section does not apply to any person who has been:

23 (a) Convicted of only one felony under the law of this state or any other state, or who has been  
24 convicted of only one felony under the laws of the United States, which felony did not involve  
25 criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon  
26 having a blade that projects or swings into position by force of a spring or by centrifugal force, and  
27 who has been discharged from imprisonment, parole, **post-prison supervision** or probation for said  
28 offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section;  
29 or

30 (b) Granted relief from the disability under 18 U.S.C. 925(c) [*or ORS 166.274*] or has had the  
31 person's record expunged under the laws of this state or equivalent laws of another jurisdiction.

**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       **(5) A person described in subsection (4)(a) of this section who is barred from possessing**  
 2 **a firearm under ORS 166.250 (1)(c)(C) or barred from purchasing a firearm under ORS 166.470**  
 3 **(1)(b) may file a petition for relief from the bar in accordance with ORS 166.274.**

4       [(5)] (6) Felon in possession of a firearm is a Class C felony. Felon in possession of a restricted  
 5 weapon is a Class A misdemeanor.

6       **SECTION 2.** ORS 166.260 is amended to read:

7       166.260. (1) ORS 166.250 does not apply to or affect:

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

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

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

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

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

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

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

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

23       (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has  
 24 been granted relief from the disability under ORS 166.274 **or 18 U.S.C. 925(c) or the expunction**  
 25 **laws of this state or an equivalent law of another jurisdiction.**

26       (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
 27 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

32       (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-  
 33 turning from a hunting or fishing expedition.

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

36       **SECTION 3.** ORS 166.274 is amended to read:

37       166.274. (1) A person barred from possessing [*a firearm under ORS 166.250 (1)(c)(A) to (E) or*  
 38 *166.270 or barred from*] **or** purchasing a firearm [*under ORS 166.470 (1)(a) to (g)*] may file a petition  
 39 for relief from the bar [*in:*] **in accordance with subsection (2) of this section if:**

40       **(a) The person is barred from:**

41       **(A) Possessing a firearm under ORS 166.250 (1)(c)(A) to (E); or**

42       **(B) Purchasing a firearm under ORS 166.470 (1)(a) to (g); and**

43       **(b) The person is not barred from possessing a firearm under ORS 166.270.**

44       **(2) A petition for relief described in this section must be filed in the circuit court in the**  
 45 **petitioner's county of residence.**

1        *[(a) A justice court in the petitioner's county of residence that is reasonably accessible to the*  
 2 *petitioner; or]*

3        *[(b) If no justice court is reasonably accessible, the circuit court.]*

4        **[(2)] (3)** A person may apply once per calendar year for relief under the provisions of this sec-  
 5 tion.

6        **[(3)(a)] (4)(a)** A person petitioning for relief under this section shall serve a copy of the petition  
 7 on:

8        (A) The city chief of police if the court in which the petition is filed is located in a city; or

9        (B) The sheriff of the county in which the court is located.

10       (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the  
 11 petition is filed at the court.

12       **[(4)(a)] (5)(a)** When a petition is denied, the judge shall cause that information to be entered into  
 13 the Department of State Police computerized criminal history files.

14       (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
 15 the petitioner to be entered into the Department of State Police computerized criminal history files.  
 16 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
 17 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
 18 notify the court that granted relief under this section. The court shall review the order granting  
 19 relief and determine whether to rescind the order. The Department of State Police may charge a  
 20 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

21       **[(5)] (6)** Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
 22 county, district or other political subdivision or public corporation in this state, without appearance  
 23 by attorney, may appear as a party to an action under this section.

24       **[(6)] (7)** If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
 25 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
 26 petitioner does not pose a threat to the safety of the public or the petitioner.

27       **[(7)] (8)** A person barred from possessing or purchasing a firearm because the person, while a  
 28 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
 29 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
 30 eligible to petition for relief under this section until more than four years have passed since the  
 31 person was discharged from the jurisdiction of the juvenile court.

32       **[(8)] (9)** Petitions filed under this section shall be heard and disposed of within 15 judicial days  
 33 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
 34 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
 35 in accordance with the requirements of law.

36       **[(9)] (10)** Filing fees shall be as for any civil action filed in the court.

37       **[(10)(a)] (11)(a)** Initial appeals of petitions shall be heard de novo.

38       (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the  
 39 same manner as for any other civil action.

40       (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
 41 be ordered to pay the attorney fees for the prevailing party.

42       **SECTION 4.** ORS 166.274, as amended by section 19, chapter 826, Oregon Laws 2009, is  
 43 amended to read:

44       166.274. (1) A person barred from possessing or purchasing a firearm may file a petition for relief  
 45 from the bar in accordance with subsection (2) of this section if:

1 (a) **The person is barred from:**

2 (A) [*The person is barred from*] Possessing a firearm under ORS 166.250 (1)(c)(A) to (C) [*or*  
3 *166.270*]; or

4 [(b)] (B) [*The person is barred from*] Purchasing a firearm under ORS 166.470 (1)(a) to (d) or  
5 (g); **and**

6 (b) **The person is not barred from possessing a firearm under ORS 166.270.**

7 [(2) *A petition for relief described in this section must be filed in:*]

8 [(a) *A justice court in the petitioner's county of residence that is reasonably accessible to the*  
9 *petitioner; or*]

10 [(b) *If no justice court is reasonably accessible, the circuit court.*]

11 (2) **A petition for relief described in this section must be filed in the circuit court in the**  
12 **petitioner's county of residence.**

13 (3) A person may apply once per calendar year for relief under the provisions of this section.

14 (4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

15 (A) The city chief of police if the court in which the petition is filed is located in a city; or

16 (B) The sheriff of the county in which the court is located.

17 (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the  
18 petition is filed at the court.

19 (5)(a) When a petition is denied, the judge shall cause that information to be entered into the  
20 Department of State Police computerized criminal history files.

21 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
22 the petitioner to be entered into the Department of State Police computerized criminal history files.  
23 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
24 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
25 notify the court that granted relief under this section. The court shall review the order granting  
26 relief and determine whether to rescind the order. The Department of State Police may charge a  
27 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

28 (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,  
29 district or other political subdivision or public corporation in this state, without appearance by at-  
30 torney, may appear as a party to an action under this section.

31 (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall  
32 be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner  
33 does not pose a threat to the safety of the public or the petitioner.

34 (8) A person barred from possessing or purchasing a firearm because the person, while a minor,  
35 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-  
36 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-  
37 igible to petition for relief under this section until more than four years have passed since the  
38 person was discharged from the jurisdiction of the juvenile court.

39 (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days of  
40 filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall  
41 then make findings and conclusions and issue a judgment based on the findings and conclusions in  
42 accordance with the requirements of law.

43 (10) Filing fees shall be as for any civil action filed in the court.

44 (11)(a) Initial appeals of petitions shall be heard de novo.

45 (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the

1 same manner as for any other civil action.

2 (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
3 be ordered to pay the attorney fees for the prevailing party.

4 **SECTION 5.** ORS 166.274, as amended by sections 19 and 20, chapter 826, Oregon Laws 2009,  
5 is amended to read:

6 166.274. (1) A person barred from possessing [*a firearm under ORS 166.250 (1)(c)(A) to (E) or*  
7 *166.270 or barred from*] **or** purchasing a firearm [*under ORS 166.470 (1)(a) to (g)*] may file a petition  
8 for relief from the bar [*in:*] **in accordance with subsection (2) of this section if:**

9 **(a) The person is barred from:**

10 **(A) Possessing a firearm under ORS 166.250 (1)(c)(A) to (E); or**

11 **(B) Purchasing a firearm under ORS 166.470 (1)(a) to (g); and**

12 **(b) The person is not barred from possessing a firearm under ORS 166.270.**

13 **(2) A petition for relief described in this section must be filed in the circuit court in the**  
14 **petitioner's county of residence.**

15 [*(a) A justice court in the petitioner's county of residence that is reasonably accessible to the*  
16 *petitioner; or*]

17 [*(b) If no justice court is reasonably accessible, the circuit court.*]

18 [(2)] **(3)** A person may apply once per calendar year for relief under the provisions of this sec-  
19 tion.

20 [(3)(a)] **(4)(a)** A person petitioning for relief under this section shall serve a copy of the petition  
21 on:

22 **(A)** The city chief of police if the court in which the petition is filed is located in a city; or

23 **(B)** The sheriff of the county in which the court is located.

24 **(b)** The copy of the petition shall be served on the chief of police or sheriff at the same time the  
25 petition is filed at the court.

26 [(4)(a)] **(5)(a)** When a petition is denied, the judge shall cause that information to be entered into  
27 the Department of State Police computerized criminal history files.

28 **(b)** When a petition is granted, the judge shall cause that information and a fingerprint card of  
29 the petitioner to be entered into the Department of State Police computerized criminal history files.  
30 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
31 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
32 notify the court that granted relief under this section. The court shall review the order granting  
33 relief and determine whether to rescind the order. The Department of State Police may charge a  
34 reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section.

35 [(5)] **(6)** Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city,  
36 county, district or other political subdivision or public corporation in this state, without appearance  
37 by attorney, may appear as a party to an action under this section.

38 [(6)] **(7)** If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief  
39 shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the  
40 petitioner does not pose a threat to the safety of the public or the petitioner.

41 [(7)] **(8)** A person barred from possessing or purchasing a firearm because the person, while a  
42 minor, was found to be within the jurisdiction of the juvenile court for committing an act which, if  
43 committed by an adult, would have constituted a felony or a misdemeanor involving violence, is not  
44 eligible to petition for relief under this section until more than four years have passed since the  
45 person was discharged from the jurisdiction of the juvenile court.

1        [(8)] (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days  
2 of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge  
3 shall then make findings and conclusions and issue a judgment based on the findings and conclusions  
4 in accordance with the requirements of law.

5        [(9)] (10) Filing fees shall be as for any civil action filed in the court.

6        [(10)(a)] (11)(a) Initial appeals of petitions shall be heard de novo.

7        (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the  
8 same manner as for any other civil action.

9        (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
10 be ordered to pay the attorney fees for the prevailing party.

11        **SECTION 6.** ORS 166.250 is amended to read:

12        166.250. (1) Except as otherwise provided in this section or ORS 166.260, [166.270,] 166.274,  
13 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm  
14 if the person knowingly:

15        (a) Carries any firearm concealed upon the person;

16        (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
17 cle; or

18        (c) Possesses a firearm and:

19        (A) Is under 18 years of age;

20        (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
21 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
22 volving violence, as defined in ORS 166.470; and

23        (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
24 charged under this section;

25        (C) Has been convicted of a felony;

26        (D) Was committed to the Oregon Health Authority under ORS 426.130;

27        (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
28 prohibited from purchasing or possessing a firearm as a result of that mental illness; or

29        (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

30        (2) This section does not prohibit:

31        (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
32 sessed a firearm:

33        (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
34 guardian or by another person with the consent of the minor's parent or guardian; or

35        (B) Temporarily for hunting, target practice or any other lawful purpose; or

36        (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
37 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
38 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
39 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
40 keep any such firearm at the person's place of residence or place of business is required of any such  
41 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
42 while used, for whatever period of time, as residential quarters.

43        (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

44        (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
45 within the meaning of this section if the handgun is within the passenger compartment of the vehi-

1 cle.

2 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle,  
3 a handgun is not readily accessible within the meaning of this section if:

4 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
5 container; and

6 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
7 container unlocks with a key.

8 (5) Unlawful possession of a firearm is a Class A misdemeanor.

9 **SECTION 7.** ORS 166.250, as amended by section 8a, chapter 826, Oregon Laws 2009, is  
10 amended to read:

11 166.250. (1) Except as otherwise provided in this section or ORS 166.260, [166.270,] 166.274,  
12 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits  
13 the crime of unlawful possession of a firearm if the person knowingly:

14 (a) Carries any firearm concealed upon the person;

15 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
16 cle; or

17 (c) Possesses a firearm and:

18 (A) Is under 18 years of age;

19 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
20 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
21 volving violence, as defined in ORS 166.470; and

22 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
23 charged under this section;

24 (C) Has been convicted of a felony;

25 (D) Was committed to the Oregon Health Authority under ORS 426.130;

26 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
27 prohibited from purchasing or possessing a firearm as a result of that mental illness; or

28 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

29 (2) This section does not prohibit:

30 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
31 sessed a firearm:

32 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
33 guardian or by another person with the consent of the minor's parent or guardian; or

34 (B) Temporarily for hunting, target practice or any other lawful purpose; or

35 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
36 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
37 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
38 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
39 keep any such firearm at the person's place of residence or place of business is required of any such  
40 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
41 while used, for whatever period of time, as residential quarters.

42 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

43 (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
44 within the meaning of this section if the handgun is within the passenger compartment of the vehi-  
45 cle.

1 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle,  
 2 a handgun is not readily accessible within the meaning of this section if:

3 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
 4 container; and

5 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
 6 container unlocks with a key.

7 (5) Unlawful possession of a firearm is a Class A misdemeanor.

8 **SECTION 8.** ORS 166.250, as amended by sections 8a and 11a, chapter 826, Oregon Laws 2009,  
 9 is amended to read:

10 166.250. (1) Except as otherwise provided in this section or ORS 166.260, [166.270,] 166.274,  
 11 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm  
 12 if the person knowingly:

13 (a) Carries any firearm concealed upon the person;

14 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
 15 cle; or

16 (c) Possesses a firearm and:

17 (A) Is under 18 years of age;

18 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
 19 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
 20 volving violence, as defined in ORS 166.470; and

21 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
 22 charged under this section;

23 (C) Has been convicted of a felony;

24 (D) Was committed to the Oregon Health Authority under ORS 426.130;

25 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
 26 prohibited from purchasing or possessing a firearm as a result of that mental illness; or

27 (F) Has been found guilty except for insanity under ORS 161.295 of a felony.

28 (2) This section does not prohibit:

29 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
 30 ssuming a firearm:

31 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
 32 guardian or by another person with the consent of the minor's parent or guardian; or

33 (B) Temporarily for hunting, target practice or any other lawful purpose; or

34 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
 35 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
 36 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
 37 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
 38 keep any such firearm at the person's place of residence or place of business is required of any such  
 39 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
 40 while used, for whatever period of time, as residential quarters.

41 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

42 (4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible  
 43 within the meaning of this section if the handgun is within the passenger compartment of the vehi-  
 44 cle.

45 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle,



1 a handgun is not readily accessible within the meaning of this section if:

2 (A) The handgun is stored in a closed and locked glove compartment, center console or other  
3 container; and

4 (B) The key is not inserted into the lock, if the glove compartment, center console or other  
5 container unlocks with a key.

6 (5) Unlawful possession of a firearm is a Class A misdemeanor.

7 **SECTION 9. (1) The amendments to ORS 166.250 and 166.274 by sections 4 and 7 of this**  
8 **2010 Act become operative on the date the rule described in section 13 (1), chapter 826,**  
9 **Oregon Laws 2009, is adopted.**

10 (2) The amendments to ORS 166.250 and 166.274 by sections 5 and 8 of this 2010 Act be-  
11 come operative on January 2, 2012.

12 **SECTION 10. This 2010 Act being necessary for the immediate preservation of the public**  
13 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
14 **on its passage.**

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