

House Bill 2415

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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**.

Directs Department of State Police to adopt rules identifying states that allow holder of Oregon concealed handgun license to carry concealed handgun and have substantially similar eligibility requirements.

Provides nonresidents who are licensed to carry concealed handgun in state identified by Department of State Police with protections provided to persons with Oregon concealed handgun license.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 166.173, 166.260, 166.262, 166.370 and
3 166.663; and declaring an emergency.

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

5 **SECTION 1.** ORS 166.173 is amended to read:

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

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

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

10 (b) A member of the military in the performance of official duty.

11 (c) A person **who is** licensed **under ORS 166.291 and 166.292** to carry a concealed handgun.

12 **(d) A person who is not a resident of this state and who possesses a valid license that**
13 **the Department of State Police has determined by rule is a reciprocal license under section**
14 **6 of this 2011 Act.**

15 *[(d)]* (e) A person authorized to possess a loaded firearm while in or on a public building or
16 court facility under ORS 166.370.

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

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

20 166.260. (1) ORS 166.250 does not apply to or affect:

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

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

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

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

28 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS

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.

1 166.250 from the United States, or from this state.

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

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

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

8 (i) **A person who is not a resident of this state and who possesses a valid license that the**
9 **Department of State Police has determined by rule is a reciprocal license under section 6 of**
10 **this 2011 Act.**

11 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has
12 been granted relief from the disability under ORS 166.274.

13 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
14 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

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

21 (4) The exceptions listed in subsection (1)(b) to [(h)] (i) of this section constitute affirmative de-
22 fenses to a charge of violating ORS 166.250.

23 **SECTION 3.** ORS 166.262 is amended to read:

24 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
25 (b) or 166.370 (1) if the person has in the person's immediate possession:

26 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292; or

27 (2) **If the person is not a resident of this state, a valid license that the Department of**
28 **State Police has determined by rule is a reciprocal license under section 6 of this 2011 Act.**

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

30 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
31 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
32 guilty of a Class C felony.

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

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

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

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

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

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

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

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

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

6 (e) **A person who is not a resident of this state and who possesses a valid license that**
 7 **the Department of State Police has determined by rule is a reciprocal license under section**
 8 **6 of this 2011 Act.**

9 [(e)] (f) A person who is authorized by the officer or agency that controls the public building to
 10 possess a firearm or dangerous weapon in that public building.

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

13 [(g)] (h) Possession of a firearm on school property if the firearm:

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

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

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

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

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

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

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

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

27 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
 28 166.279.

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

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

34 **SECTION 5.** ORS 166.663 is amended to read:

35 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the
 36 possession or in the immediate physical presence of the person a bow and arrow or a rifle, gun,
 37 revolver or other firearm.

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

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

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

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

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

45 (e) On publicly owned land when that person has an agreement with the public body to use that

1 property.

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

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

6 **(h) When the person is not a resident of this state and possesses a valid license that the**
7 **Department of State Police has determined by rule is a reciprocal license under section 6 of**
8 **this 2011 Act.**

9 (3) A peace officer may issue a citation to a person for a violation of subsection (1) of this sec-
10 tion when the violation is committed in the presence of the peace officer or when the peace officer
11 has probable cause to believe that a violation has occurred based on a description of the vehicle
12 or other information received from a peace officer who observed the violation.

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

14 (5) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

15 **SECTION 6. (1) As used in this section, "reciprocal license" means a license or permit**
16 **issued in another state by a state or local law enforcement agency, a court or other issuing**
17 **authority that authorizes the licensee or permittee to carry a concealed handgun in the state**
18 **in which the license or permit was issued, if the other state:**

19 **(a) Authorizes a person who is licensed under ORS 166.291 and 166.292 to carry a con-**
20 **cealed handgun in the other state; and**

21 **(b) Imposes eligibility requirements for the issuance of the license or permit that are**
22 **substantially similar to the requirements of ORS 166.291 and 166.292.**

23 **(2) The Department of State Police shall adopt rules that identify states that issue re-**
24 **ciprocal licenses.**

25 **SECTION 7. (1) Section 6 of this 2011 Act and the amendments to ORS 166.173, 166.260,**
26 **166.262, 166.370 and 166.663 by sections 1 to 5 of this 2011 Act become operative on January**
27 **1, 2012.**

28 **(2) The Department of State Police may adopt rules or take any other action before the**
29 **operative date specified in subsection (1) of this section that is necessary to enable the de-**
30 **partment to exercise, on and after the operative date specified in subsection (1) of this sec-**
31 **tion, all the duties, functions and powers conferred on the department by this 2011 Act.**

32 **SECTION 8. The amendments to ORS 166.173, 166.260, 166.262, 166.370 and 166.663 by**
33 **sections 1 to 5 of this 2011 Act apply to conduct occurring on or after January 1, 2012.**

34 **SECTION 9. This 2011 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
36 **on its passage.**

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