

House Bill 2706

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for American Federation of State, County and Municipal Employees)

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**.

Provides public safety officers employed by law enforcement unit with affirmative defense to crime of unlawful possession of a firearm.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.260.

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

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

5 166.260. (1) ORS 166.250 does not apply to or affect:

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

8 **(b) A corrections officer transporting or accompanying an individual convicted of or ar-**
9 **rested for an offense and confined in a place of incarceration or detention while outside the**
10 **confines of the place of incarceration or detention.**

11 **(c) A person who has been certified as being qualified as a public safety officer as defined**
12 **in ORS 181.610 and who is employed by a law enforcement unit as defined in ORS 181.610.**

13 *[(b)]* **(d)** Any person summoned by *[any such officer]* **an officer described in paragraphs (a) to**
14 **(c) of this subsection** to assist in making arrests or preserving the peace, while said person so
15 summoned is actually engaged in assisting the officer.

16 *[(c)]* **(e)** The possession or transportation by any merchant of unloaded firearms as merchandise.

17 *[(d)]* **(f)** Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps
18 of the United States, or of the National Guard, when on duty.

19 *[(e)]* **(g)** Organizations which are by law authorized to purchase or receive weapons described
20 in ORS 166.250 from the United States, or from this state.

21 *[(f)]* **(h)** Duly authorized military or civil organizations while parading, or the members thereof
22 when going to and from the places of meeting of their organization.

23 *[(g)]* **A corrections officer while transporting or accompanying an individual convicted of or arrested**
24 **for an offense and confined in a place of incarceration or detention while outside the confines of the**
25 **place of incarceration or detention.**

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

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

29 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
30 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

31 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon

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 the established target ranges, whether public or private, while such members are using any of the
2 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such
3 ranges.

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

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

8 **SECTION 2. The amendments to ORS 166.260 by section 1 of this 2011 Act apply to con-**
9 **duct occurring on or after the effective date of this 2011 Act.**

10