

House Bill 2790

Sponsored by Representative THATCHER (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**.

Grants rights given to concealed handgun licensee to any person who may lawfully purchase and possess firearm. Retains ability to obtain concealed handgun license for other purposes.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 137.138, 166.250, 166.274, 166.360,
3 166.370, 166.410 and 166.460 and section 5, chapter 826, Oregon Laws 2009; and repealing ORS
4 166.173, 166.260, 166.262, 166.380 and 166.663.

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

6 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 166.250 to**
7 **166.270.**

8 **SECTION 2. (1) A person who is not prohibited by state or federal law from purchasing**
9 **or possessing a firearm may carry a concealed firearm.**

10 **(2) A public body may not require a person who is legally entitled to purchase or possess**
11 **a firearm to obtain a permit or license as a precondition of carrying a concealed firearm.**
12 **Except as provided in ORS 166.291 to 166.295, a public body may not issue permits or licenses**
13 **for carrying a concealed firearm.**

14 **(3) As used in this section, "public body" has the meaning given that term in ORS 174.109.**

15 **SECTION 3. ORS 166.250, as amended by section 8a, chapter 826, Oregon Laws 2009, is**
16 **amended to read:**

17 166.250. (1) Except as otherwise provided in [*this section or ORS 166.260,*] **ORS** 166.270,
18 166.274[, 166.291, 166.292] or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a per-
19 son commits the crime of unlawful possession of a firearm if the person knowingly **possesses a**
20 **firearm and:**

21 [*(a) Carries any firearm concealed upon the person;*]

22 [*(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle;*
23 *or]*

24 [*(c) possesses a firearm and:*]

25 [(A)] **(a)** Is under 18 years of age;

26 [(B)(i)] **(b)(A)** While a minor, was found to be within the jurisdiction of the juvenile court for
27 having committed an act which, if committed by an adult, would constitute a felony or a
28 misdemeanor involving violence, as defined in ORS 166.470; and

29 [(ii)] **(B)** Was discharged from the jurisdiction of the juvenile court within four years prior to
30 being charged under this section;

31 [(C)] **(c)** Has been convicted of a felony;

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 [(D)] (d) Was committed to the Oregon Health Authority under ORS 426.130;

2 [(E)] (e) Was found to be mentally ill and subject to an order under ORS 426.130 that the person

3 be prohibited from purchasing or possessing a firearm as a result of that mental illness; or

4 [(F)] (f) Has been found guilty except for insanity under ORS 161.295 of a felony.

5 (2) This section does not prohibit[:]

6 [(a)] a minor, who is not otherwise prohibited under subsection (1)[(c)] of this section, from pos-

7 sessing a firearm:

8 [(A)] (a) Other than a handgun, if the firearm was transferred to the minor by the minor’s parent

9 or guardian or by another person with the consent of the minor’s parent or guardian; or

10 [(B)] (b) Temporarily for hunting, target practice or any other lawful purpose.[: or]

11 [(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily

12 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270 and

13 subsection (1) of this section, from owning, possessing or keeping within the person’s place of residence

14 or place of business any handgun, and no permit or license to purchase, own, possess or keep any such

15 firearm at the person’s place of residence or place of business is required of any such citizen. As used

16 in this subsection, “residence” includes a recreational vessel or recreational vehicle while used, for

17 whatever period of time, as residential quarters.]

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

19 [(4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible

20 within the meaning of this section if the handgun is within the passenger compartment of the vehicle.]

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

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

23 [(A) The handgun is stored in a closed and locked glove compartment, center console or other

24 container; and]

25 [(B) The key is not inserted into the lock, if the glove compartment, center console or other con-

26 tainer unlocks with a key.]

27 [(5)] (3) Unlawful possession of a firearm is a Class A misdemeanor.

28 **SECTION 4.** ORS 166.250, as amended by sections 8a and 11a, chapter 826, Oregon Laws 2009,

29 is amended to read:

30 166.250. (1) Except as otherwise provided in [*this section or ORS 166.260,*] **ORS** 166.270,

31 166.274[, 166.291, 166.292] or 166.410 to 166.470, a person commits the crime of unlawful possession

32 of a firearm if the person knowingly **possesses a firearm and:**

33 [(a) Carries any firearm concealed upon the person;]

34 [(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle;

35 or]

36 [(c) possesses a firearm and:]

37 [(A)] (a) Is under 18 years of age;

38 [(B)(i)] (b)(A) While a minor, was found to be within the jurisdiction of the juvenile court for

39 having committed an act which, if committed by an adult, would constitute a felony or a

40 misdemeanor involving violence, as defined in ORS 166.470; and

41 [(ii)] (B) Was discharged from the jurisdiction of the juvenile court within four years prior to

42 being charged under this section;

43 [(C)] (c) Has been convicted of a felony;

44 [(D)] (d) Was committed to the Oregon Health Authority under ORS 426.130;

45 [(E)] (e) Was found to be mentally ill and subject to an order under ORS 426.130 that the person

1 be prohibited from purchasing or possessing a firearm as a result of that mental illness; or

2 [(F)] (f) Has been found guilty except for insanity under ORS 161.295 of a felony.

3 (2) This section does not prohibit[:]

4 [(a)] a minor, who is not otherwise prohibited under subsection (1)[(c)] of this section, from pos-
5 sessing a firearm:

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

8 [(B)] (b) Temporarily for hunting, target practice or any other lawful purpose.[: or]

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

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

17 [(4)(a) Except as provided in paragraph (b) of this subsection, a handgun is readily accessible
18 within the meaning of this section if the handgun is within the passenger compartment of the vehicle.]

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

21 [(A) The handgun is stored in a closed and locked glove compartment, center console or other
22 container; and]

23 [(B) The key is not inserted into the lock, if the glove compartment, center console or other con-
24 tainer unlocks with a key.]

25 [(5)] (3) Unlawful possession of a firearm is a Class A misdemeanor.

26 **SECTION 5.** ORS 166.370 is amended to read:

27 166.370. (1) Any person who **is prohibited by state or federal law from purchasing or pos-**
28 **sessing a firearm and who** intentionally possesses a [*loaded or unloaded*] firearm or any other in-
29 strument used as a dangerous weapon, while in or on a public building, shall upon conviction be
30 guilty of a Class C felony.

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

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

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

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

41 [(3) Subsection (1) of this section does not apply to:]

42 [(a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while acting
43 within the scope of employment.]

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

1 *[(c) An active or reserve member of the military forces of this state or the United States, when en-*
 2 *gaged in the performance of duty.]*

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

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

6 *[(f) An employee of the United States Department of Agriculture, acting within the scope of em-*
 7 *ployment, who possesses a firearm in the course of the lawful taking of wildlife.]*

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

9 *[(A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and]*

10 *[(B) Is unloaded and locked in a motor vehicle.]*

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

13 *[(5)(a)] (3)(a) Any person who knowingly, or with reckless disregard for the safety of another,*
 14 *discharges or attempts to discharge a firearm at a place that the person knows is a school shall*
 15 *upon conviction be guilty of a Class C felony.*

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

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

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

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

22 [(6)] (4) Any weapon carried in violation of this section is subject to the forfeiture provisions
 23 of ORS 166.279.

24 [(7)] (5) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes
 25 a violation of both subsections (1) and [(5)] (3) of this section, the district attorney may charge the
 26 person with only one of the offenses.

27 [(8)] (6) As used in this section, "dangerous weapon" means a dangerous weapon as that term
 28 is defined in ORS 161.015.

29 **SECTION 6.** ORS 166.360 is amended to read:

30 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

31 (1) "Capitol building" means the Capitol, the State Office Building, the State Library Building,
 32 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or
 33 the Public Service Building and includes any new buildings which may be constructed on the same
 34 grounds as an addition to the group of buildings listed in this subsection.

35 (2) "Court facility" means a courthouse or that portion of any other building occupied by a
 36 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by
 37 personnel related to the operations of those courts, or in which activities related to the operations
 38 of those courts take place.

39 [(3) "Loaded firearm" means:]

40 [(a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to
 41 the firearm including but not limited to, in a chamber, magazine or clip which is attached to the
 42 firearm.]

43 [(b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot
 44 or projectile in the barrel or cylinder.]

45 [(4)] (3) "Public building" means a hospital, a capitol building, a public or private school, as

1 defined in ORS 339.315, a college or university, a city hall or the residence of any state official
 2 elected by the state at large, and the grounds adjacent to each such building. The term also includes
 3 that portion of any other building occupied by an agency of the state or a municipal corporation,
 4 as defined in ORS 297.405, other than a court facility.

5 [(5)] (4) "Weapon" means:

6 (a) A firearm;

7 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife
 8 other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

9 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

10 (d) An electrical stun gun or any similar instrument;

11 (e) A tear gas weapon as defined in ORS 163.211;

12 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
 13 similar instrument, the use of which could inflict injury upon a person or property; or

14 (g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

15 **SECTION 7.** ORS 166.274, as amended by section 19, chapter 826, Oregon Laws 2009, and sec-
 16 tion 2, chapter 86, Oregon Laws 2010, is amended to read:

17 166.274. (1) A person barred from possessing or purchasing a firearm may file a petition for relief
 18 from the bar in accordance with subsection (2) of this section if:

19 (a) The person is barred from possessing a firearm under ORS 166.250 [(1)(c)(A) to (C)] (1)(a) to
 20 (c) or 166.270; or

21 (b) The person is barred from purchasing a firearm under ORS 166.470 (1)(a) to (d) or (g).

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

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

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

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

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

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

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

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

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

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

45 (8) A person barred from possessing or purchasing a firearm because the person, while a minor,

1 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-
 2 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-
 3 igible to petition for relief under this section until more than four years have passed since the
 4 person was discharged from the jurisdiction of the juvenile court.

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

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

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

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

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

15 **SECTION 8.** ORS 166.274, as amended by sections 19 and 20, chapter 826, Oregon Laws 2009,
 16 and section 3, chapter 86, Oregon Laws 2010, is amended to read:

17 166.274. (1) A person barred from possessing a firearm under ORS 166.250 [(1)(c)(A) to (E)] **(1)(a)**
 18 **to (e)** or 166.270 or barred from purchasing a firearm under ORS 166.470 (1)(a) to (g) may file a
 19 petition for relief from the bar in the circuit court in the petitioner's county of residence.

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

21 (3)(a) A person petitioning for relief under this section shall serve a copy of the petition 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) When a petition is denied, the judge shall cause that information to be entered into the
 27 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) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,
 36 district or other political subdivision or public corporation in this state, without appearance by at-
 37 torney, may appear as a party to an action under this section.

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

41 (7) A person barred from possessing or purchasing a firearm because the person, while a minor,
 42 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-
 43 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-
 44 igible 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) Petitions filed under this section shall be heard and disposed of within 15 judicial days of
 2 filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall
 3 then make findings and conclusions and issue a judgment based on the findings and conclusions in
 4 accordance with the requirements of law.

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

6 (10)(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 9.** Section 5, chapter 826, Oregon Laws 2009, as amended by sections 18 and 18a,
 12 chapter 826, Oregon Laws 2009, is amended to read:

13 **Sec. 5.** Relief from certain prohibitions against transporting, shipping, possessing or receiving
 14 firearm. (1) A person barred from transporting, shipping, possessing or receiving a firearm may file
 15 a petition with the Psychiatric Security Review Board for relief from the bar if:

16 (a) The person is barred from possessing a firearm under ORS 166.250 [(1)(c)(D) or (E)] (1)(d)
 17 or (e);

18 (b) The person is barred from receiving a firearm under ORS 166.470 (1)(e) or (f); or

19 (c) The person is barred from possessing, receiving, shipping or transporting a firearm under 18
 20 U.S.C. 922(d)(4) or (g)(4) as the result of a state mental health determination.

21 (2) The petitioner shall serve a copy of the petition on:

22 (a) The Department of Human Services and the Oregon Health Authority; and

23 (b) The district attorney in each county in which:

24 (A) The person was committed by a court to the Oregon Health Authority, or adjudicated by a
 25 court as mentally ill, under ORS 426.130;

26 (B) The person was committed by a court to the Department of Human Services, or adjudicated
 27 by a court as mentally retarded, under ORS 427.290;

28 (C) The person was found guilty except for insanity under ORS 161.295;

29 (D) The person was found responsible except for insanity under ORS 419C.411; or

30 (E) The person was found by a court to lack fitness to proceed under ORS 161.370.

31 (3) Following receipt of the petition, the board shall conduct a contested case hearing, make
 32 written findings of fact and conclusions of law on the issues before the board and issue a final order.

33 (4) The state and any person or entity described in subsection (2) of this section may appear and
 34 object to and present evidence relevant to the relief sought by the petitioner.

35 (5) The board shall grant the relief requested in the petition if the petitioner demonstrates,
 36 based on the petitioner's reputation, the petitioner's record, the circumstances surrounding the
 37 firearm disability and any other evidence in the record, that the petitioner will not be likely to act
 38 in a manner that is dangerous to public safety and that granting the relief would not be contrary
 39 to the public interest.

40 (6) If the board grants the relief requested in the petition, the board shall provide to the De-
 41 partment of State Police the minimum information necessary, as defined in [section 1 of this 2009
 42 Act] **ORS 181.740**, to enable the department to:

43 (a) Maintain the information and transmit the information to the federal government as required
 44 under federal law; and

45 (b) Maintain a record of the person's relief from the disqualification to possess or receive a

1 firearm under ORS 166.250 [(1)(c)(D) or (E)] **(1)(d) or (e)** or 166.470 (1)(e) or (f).

2 (7) The petitioner may petition for judicial review of a final order of the board. The petition
3 shall be filed in the circuit court of a county described in subsection (2)(b) of this section. The re-
4 view shall be conducted de novo and without a jury.

5 (8) A petitioner may take an appeal from the circuit court to the Court of Appeals. Review by
6 the Court of Appeals shall be conducted in accordance with ORS 183.500.

7 (9) A person may file a petition for relief under this section no more than once every two years.

8 (10) The board shall adopt procedural rules to carry out the provisions of this section.

9 (11) As used in this section, “state mental health determination” means:

10 (a) A finding by a court that a person lacks fitness to proceed under ORS 161.370;

11 (b) A finding that a person is guilty except for insanity of a crime under ORS 161.295 or re-
12 sponsible except for insanity of an act under ORS 419C.411 or any determination by the Psychiatric
13 Security Review Board thereafter;

14 (c) A commitment by a court to the Oregon Health Authority, or an adjudication by a court that
15 a person is mentally ill, under ORS 426.130; or

16 (d) A commitment by a court to the Department of Human Services, or an adjudication by a
17 court that a person is mentally retarded, under ORS 427.290.

18 **SECTION 10.** ORS 166.460 is amended to read:

19 166.460. (1) ORS 166.250, [166.260,] 166.291 to 166.295, 166.410, 166.412, 166.425, 166.434, 166.438
20 and 166.450 do not apply to antique firearms.

21 (2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique
22 firearm by a person described in ORS 166.250 [(1)(c)(B) to (D) or (F)] **(1)(b) to (d) or (f)** constitutes
23 a violation of ORS 166.250.

24 **SECTION 11.** ORS 166.410 is amended to read:

25 166.410. Any person who manufactures or causes to be manufactured within this state, or who
26 imports into this state, or offers, exposes for sale, or sells or transfers a handgun, short-barreled
27 rifle, short-barreled shotgun, firearms silencer or machine gun, otherwise than in accordance with
28 ORS 166.250, [166.260,] 166.270, [166.291, 166.292,] 166.425, 166.450, 166.460 and 166.470, is guilty of
29 a Class B felony.

30 **SECTION 12.** ORS 137.138 is amended to read:

31 137.138. (1) In addition to and not in lieu of any other sentence it may impose, a court shall
32 require a defendant convicted under ORS 164.365, [166.663,] 167.315, 498.056 or 498.146 or other
33 state, county or municipal laws, for an act involving or connected with injuring, damaging, mis-
34 treating or killing a livestock animal, to forfeit any rights in weapons used in connection with the
35 act underlying the conviction.

36 (2) In addition to and not in lieu of any other sentence it may impose, a court shall revoke any
37 hunting license possessed by a defendant convicted as described in subsection (1) of this section.

38 (3) The State Fish and Wildlife Director shall refuse to issue a hunting license to a defendant
39 convicted as described under subsection (1) of this section for a period of two years following the
40 conviction.

41 (4) As used in this section, “livestock animal” has the meaning given in ORS 164.055.

42 **SECTION 13.** ORS 166.173, 166.260, 166.262, 166.380 and 166.663 are repealed.

43 **SECTION 14.** Sections 1 and 2 of this 2011 Act and the amendments to ORS 137.138,
44 166.250, 166.274, 166.360, 166.370, 166.410 and 166.460 and section 5, chapter 826, Oregon Laws
45 2009, by sections 3 to 12 of this 2011 Act apply to conduct occurring on or after the effective

1 **date of this 2011 Act.**

2
