

**A-Engrossed**  
**House Bill 2792**

Ordered by the House March 15  
Including House Amendments dated March 15

Sponsored by Representative THATCHER; Representatives FREEMAN, G SMITH (Presession 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.

Provides nonresidents who are authorized to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license.

**A BILL FOR AN ACT**

1  
2 Relating to firearms; creating new provisions; and amending ORS 166.173, 166.260, 166.262, 166.292,  
3 166.370 and 166.663.

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 is authorized to carry a con-**  
13 **cealed handgun in another state pursuant to a valid license or permit that was issued in the**  
14 **other state by a state or local law enforcement agency, a court or other issuing authority.**

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 is authorized to carry a concealed**  
9 **handgun in another state pursuant to a valid license or permit that was issued in the other**  
10 **state by a state or local law enforcement agency, a court or other issuing authority.**

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. (1) A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a)  
25 or (b) [or], 166.370 (1) **or 166.663, or any ordinance adopted by a city or county pursuant to**  
26 **ORS 166.173**, if the person has in the person's immediate possession:

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

28 (b) **If the person is not a resident of this state, a valid license or permit that was issued**  
29 **in another state by a state or local law enforcement agency, a court or other issuing au-**  
30 **thority that authorizes the person to carry a concealed handgun in the other state.**

31 (2) **Failure of a person who carries a concealed handgun to also carry a concealed**  
32 **handgun license or permit is prima facie evidence that the person does not have such a li-**  
33 **cence or permit.**

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

35 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other  
36 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be  
37 guilty of a Class C felony.

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

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

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

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

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

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

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

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

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

11 **(e) A person who is not a resident of this state and who is authorized to carry a con-**  
12 **cealed handgun in another state pursuant to a valid license or permit that was issued in the**  
13 **other state by a state or local law enforcement agency, a court or another issuing authority.**

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

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

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

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

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

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

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

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

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

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

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

32 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
33 166.279.

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

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

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

40 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the  
41 possession or in the immediate physical presence of the person a bow and arrow or a rifle, gun,  
42 revolver or other firearm.

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

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

45 (b) When the bow and arrow, rifle, gun, revolver or other firearm that the person has in the

1 possession or immediate physical presence of the person is disassembled or stored, or in the trunk  
2 or storage compartment of the motor vehicle.

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

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

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

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

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

11 **(h) When the person is not a resident of this state and is authorized to carry a concealed**  
12 **handgun in another state pursuant to a valid license or permit that was issued in the other**  
13 **state by a state or local law enforcement agency, a court or other issuing authority.**

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

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

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

20 **SECTION 6.** ORS 166.292 is amended to read:

21 166.292. (1) If the application for the license is approved, the sheriff shall issue and mail or  
22 otherwise deliver to the applicant at the address shown on the application, within 45 days of the  
23 application, a wallet sized license bearing the photograph of the licensee. The license must be signed  
24 by the licensee and carried whenever the licensee carries a concealed handgun.

25 *[(2) Failure of a person who carries a concealed handgun also to carry a concealed handgun li-*  
26 *cence is prima facie evidence that the person does not have such a license.]*

27 *[(3)]* (2) Licenses for concealed handguns shall be uniform throughout the state in substantially  
28 the following form:

29 \_\_\_\_\_

30  
31 OREGON CONCEALED HANDGUN  
32 LICENSE

33 County\_\_\_\_\_ License Number\_\_\_\_\_  
34 Expires\_\_\_\_\_ Date of birth\_\_\_\_\_  
35 Height\_\_\_\_\_ Weight\_\_\_\_\_  
36 Name\_\_\_\_\_ Address\_\_\_\_\_  
37 Licensee's City\_\_\_\_\_ Zip\_\_\_\_\_ Photograph  
38 Signature\_\_\_\_\_  
39 Issued by\_\_\_\_\_  
40 Date of issue\_\_\_\_\_

41 \_\_\_\_\_

42  
43 *[(4)]* (3) An Oregon concealed handgun license issued under ORS 166.291 and this section, unless  
44 revoked under ORS 166.293, is valid for a period of four years from the date on which it is issued.

45 *[(5)]* (4) The sheriff shall keep a record of each license issued under ORS 166.291 and this sec-

1 tion, or renewed pursuant to ORS 166.295.

2 [(6)] (5) When a sheriff issues a concealed handgun license under this section, the sheriff shall  
3 provide the licensee with a list of those places where carrying concealed handguns is prohibited or  
4 restricted by state or federal law.

5 **SECTION 7. The amendments to ORS 166.173, 166.260, 166.262, 166.292, 166.370 and 166.663**  
6 **by sections 1 to 6 of this 2011 Act apply to conduct occurring on or after the effective date**  
7 **of this 2011 Act.**

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