

House Bill 3002

Sponsored by Representative KRIEGER; Representative BARKER (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**.

Provides nonresidents who are licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license if other state used National Instant Criminal Background Check System prior to issuing person's handgun license.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.173, 166.260, 166.262, 166.370
3 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 licensed to carry a concealed handgun.*]

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

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

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

17 (f) **A person who is not a resident of this state and who is authorized to carry a concealed**
18 **handgun pursuant to a valid license or permit issued in another state by a state or local law**
19 **enforcement agency, a court or other issuing authority, if the law of the issuing jurisdiction**
20 **requires an authorized government official to verify, using the National Instant Criminal**
21 **Background Check System, that the person is authorized by law to purchase a firearm.**

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

23 166.260. (1) ORS 166.250 does not apply to or affect:

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

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

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

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

31 (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 pursuant to a valid license or permit issued in another state by a state or local law**
10 **enforcement agency, a court or other issuing authority, if the law of the issuing jurisdiction**
11 **requires an authorized government official to verify, using the National Instant Criminal**
12 **Background Check System, that the person is authorized by law to purchase a firearm.**

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

15 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
16 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

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

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

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

26 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
27 (b) or 166.370 (1) if:

28 (1) The person has in the person's immediate possession a valid license to carry a firearm as
29 provided in ORS 166.291 and 166.292; or

30 **(2) The person is not a resident of this state, and the person has in the person's imme-**
31 **diante possession a valid license or permit authorizing the person to carry a concealed**
32 **handgun and:**

33 **(a) The license or permit is issued in another state by a state or local law enforcement**
34 **agency, a court or other issuing jurisdiction; and**

35 **(b) The law of the issuing jurisdiction requires a government official to verify, using the**
36 **National Instant Criminal Background Check System, that the person is authorized by law**
37 **to purchase a firearm.**

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

39 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
40 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
41 guilty of a Class C felony.

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

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

1 officer.

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

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

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

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

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

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

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

15 (e) **A person who is not a resident of this state and who is authorized to carry a con-**
 16 **cealed handgun pursuant to a valid license or permit issued in another state by a state or**
 17 **local law enforcement agency, a court or other issuing authority, if the law of the issuing**
 18 **jurisdiction requires an authorized government official to verify, using the National Instant**
 19 **Criminal Background Check System, that the person is authorized by law to purchase a**
 20 **firearm.**

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

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

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

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

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

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

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

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

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

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

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

39 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
 40 166.279.

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

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

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

2 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the
3 possession or in the immediate physical presence of the person a bow and arrow or a rifle, gun,
4 revolver or other firearm.

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

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

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

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

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

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

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

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

18 **(h) When the person is not a resident of this state, and the person is authorized to carry**
19 **a concealed handgun pursuant to a valid license or permit issued in another state by a state**
20 **or local law enforcement agency, a court or other issuing authority and the law of the issu-**
21 **ing jurisdiction requires an authorized government official to verify, using the National In-**
22 **stant Criminal Background Check System, that the person is authorized by law to purchase**
23 **a firearm.**

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

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

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

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

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