

D R A F T

SUMMARY

Modifies laws prohibiting possession of firearms in public buildings. Eliminates exemption for person with concealed handgun license if person possesses firearm in Capitol without written permission from Legislative Administrator.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to weapons; amending ORS 166.262, 166.360 and 166.370; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 166.360 is amended to read:

6 166.360. As used in ORS 166.360 to 166.380, unless the context requires
7 otherwise:

8 (1) "Capitol building" means the Capitol, the State Office Building, the
9 State Library Building, the Labor and Industries Building, the State Trans-
10 portation Building, the Agriculture Building or the Public Service Building
11 and includes any new buildings which may be constructed on the same
12 grounds as an addition to the group of buildings listed in this subsection.

13 (2) "Court facility" means a courthouse or that portion of any other
14 building occupied by a circuit court, the Court of Appeals, the Supreme
15 Court or the Oregon Tax Court or occupied by personnel related to the op-
16 erations of those courts, or in which activities related to the operations of
17 those courts take place.

18 (3) "Loaded firearm" means:

19 (a) A breech-loading firearm in which there is an unexpended cartridge

1 or shell in or attached to the firearm including but not limited to, in a
2 chamber, magazine or clip which is attached to the firearm.

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

5 (4) "Public building" means a hospital, a capitol building, a [*public or*
6 *private*] school[,] as defined in ORS 339.315, a college or university, a city
7 hall, [*or*] the residence of any state official elected by the state at large[,]
8 **or any other building owned or occupied by a public body as defined**
9 **in ORS 174.109** and the grounds adjacent to each such building. The term
10 [*also includes that portion of any other building occupied by an agency of the*
11 *state or a municipal corporation, as defined in ORS 297.405, other than*] **does**
12 **not include** a court facility.

13 (5) "Weapon" means:

14 (a) A firearm;

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

18 (c) Mace, tear gas, pepper mace or any similar deleterious agent as de-
19 fined in ORS 163.211;

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

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

22 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku,
23 nightstick, truncheon or any similar instrument, the use of which could in-
24 flict injury upon a person or property; or

25 (g) A dangerous or deadly weapon as those terms are defined in ORS
26 161.015.

27 **SECTION 2.** ORS 166.370 is amended to read:

28 166.370. (1) Any person who intentionally possesses a loaded or unloaded
29 firearm or any other instrument used as a dangerous weapon, while in or on
30 a public building, shall upon conviction be guilty of a Class C felony.

31 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a

1 person who intentionally possesses:

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

5 (B) A weapon, other than a firearm, in a court facility may be required
6 to surrender the weapon to a law enforcement officer or to immediately re-
7 move it from the court facility. A person who fails to comply with this sub-
8 paragraph is guilty, upon conviction, of a Class C felony.

9 (b) The presiding judge of a judicial district may enter an order permit-
10 ting the possession of specified weapons in a court facility.

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

12 (a) A sheriff, police officer, other duly appointed peace officers or a cor-
13 rections officer while acting within the scope of employment.

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

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

19 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a
20 concealed handgun, **except as provided in subsection (5) of this section.**

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

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

27 (g) Possession of a firearm on school property if the firearm:

28 (A) Is possessed by a person who is not otherwise prohibited from pos-
29 sessed the firearm; and

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

31 (4) **Except as provided in subsection (5) of this section,** the exceptions

1 listed in subsection (3)(b) to (g) of this section constitute affirmative defenses
2 to a charge of violating subsection (1) of this section.

3 **(5) A person who is licensed under ORS 166.291 and 166.292 to carry**
4 **a concealed handgun may not bring a firearm into the Capitol without**
5 **the written permission of the Legislative Administrator.**

6 [(5)(a)] **(6)(a)** Any person who knowingly, or with reckless disregard for
7 the safety of another, discharges or attempts to discharge a firearm at a
8 place that the person knows is a school shall upon conviction be guilty of
9 a Class C felony.

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

12 (A) As part of a program approved by a school in the school by an indi-
13 vidual who is participating in the program;

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

16 (C) By an employee of the United States Department of Agriculture, act-
17 ing within the scope of employment, in the course of the lawful taking of
18 wildlife.

19 [(6)] **(7)** Any weapon carried in violation of this section is subject to the
20 forfeiture provisions of ORS 166.279.

21 [(7)] **(8)** Notwithstanding the fact that a person's conduct in a single
22 criminal episode constitutes a violation of both subsections (1) and [(5)] **(6)**
23 of this section, the district attorney may charge the person with only one
24 of the offenses.

25 [(8)] **(9)** As used in this section, "dangerous weapon" means a dangerous
26 weapon as that term is defined in ORS 161.015.

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

28 166.262. **Except as provided in ORS 166.370 (5),** a peace officer may not
29 arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370
30 (1) if the person has in the person's immediate possession a valid license to
31 carry a firearm as provided in ORS 166.291 and 166.292.

1 **SECTION 4. This 2013 Act being necessary for the immediate pres-**
2 **ervation of the public peace, health and safety, an emergency is de-**
3 **clared to exist, and this 2013 Act takes effect on its passage.**

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