

**PROPOSED AMENDMENTS TO
SENATE BILL 699**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages
2 2 and 3 and insert:

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

4 “166.360. As used in ORS 166.360 to 166.380, unless the context requires
5 otherwise:

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

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

16 “(3) ‘Loaded firearm’ means:

17 “(a) A breech-loading firearm in which there is an unexpended cartridge
18 or shell in or attached to the firearm including but not limited to, in a
19 chamber, magazine or clip which is attached to the firearm.

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

22 “(4) ‘Public building’ means a hospital, a capitol building, a [*public or*

1 *private*] school[,] as defined in ORS 339.315, a college or university, a city
2 hall, [*or*] the residence of any state official elected by the state at large[,]
3 **or any other building owned or occupied by a public body as defined**
4 **in ORS 174.109** and the grounds adjacent to each such building. [*The term*
5 *also includes that portion of any other building occupied by an agency of the*
6 *state or a municipal corporation, as defined in ORS 297.405, other than*]
7 **‘Public building’ does not include** a court facility.

8 “(5) ‘Weapon’ means:

9 “(a) A firearm;

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

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

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

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

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

20 “(g) A dangerous or deadly weapon as those terms are defined in ORS
21 161.015.

22 **“SECTION 2.** ORS 166.370 is amended to read:

23 “166.370. (1) Any person who intentionally possesses a loaded or unloaded
24 firearm or any other instrument used as a dangerous weapon, while in or on
25 a public building, shall upon conviction be guilty of a Class C felony.

26 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection,
27 a person who intentionally possesses:

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

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

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

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

8 “(a) A sheriff, police officer[,] **or** other duly appointed peace [*officers*]
9 **officer, whether active or retired, provided that the possession by a**
10 **retired officer is not otherwise prohibited by law,** or a corrections officer
11 while acting within the scope of employment.

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

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

17 “(d) A person who is licensed under ORS 166.291 and 166.292 to carry a
18 concealed handgun, **provided that the firearm is concealed from view.**

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

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

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

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

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

29 “(4) The exceptions listed in subsection (3)(b) to (g) of this section con-
30 stitute affirmative defenses to a charge of violating subsection (1) of this

1 section.

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

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

8 “(A) As part of a program approved by a school in the school by an in-
9 dividual who is participating in the program;

10 “(B) By a law enforcement officer acting in the officer’s official capacity;
11 or

12 “(C) By an employee of the United States Department of Agriculture,
13 acting within the scope of employment, in the course of the lawful taking
14 of wildlife.

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

17 “(7) Notwithstanding the fact that a person’s conduct in a single criminal
18 episode constitutes a violation of both subsections (1) and (5) of this section,
19 the district attorney may charge the person with only one of the offenses.

20 “(8) As used in this section, ‘dangerous weapon’ means a dangerous
21 weapon as that term is defined in ORS 161.015.

22 **“SECTION 3.** ORS 166.262 is amended to read:

23 **“166.262. Except as provided in ORS 166.370 (3)(d), a peace officer may**
24 **not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370**
25 **(1) if the person has in the person’s immediate possession a valid license to**
26 **carry a firearm as provided in ORS 166.291 and 166.292.**

27 **“SECTION 4. This 2013 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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