

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Jeff Rhoades, Counsel**Meeting Dates:** 2/26, 4/16

**WHAT THE MEASURE DOES:** Adds justice court and municipal court to definition of “court facility” where firearms and other weapons prohibited absent specific circumstances. Amends language concerning prohibited knives to include pocketknives. Authorizes municipal and justice court judges to establish procedures regulating possession of firearms and other weapons in court facilities.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed -1 amendment states that, in shared court facility, order, policy or procedure of the presiding court judge takes precedence over that of municipal court judge or justice of the peace.

Proposed -4 amendment expands definition of local court facility to include justice court, municipal court or probate court. States that conviction under section is Class C felony. Clarifies that court may only prohibit weapons in area where court conducts business and during hours court operates.

**BACKGROUND:** ORS 166.360 prohibits firearms and other weapons in court facilities unless the individual possessing the weapon: 1) is a peace officer or federal officer acting in their official capacity while on official duty; 2) is carrying a weapon that the employing agency of the officer had authorized the officer to carry; and 3) is in compliance with any security procedures established by the court. The statute does not provide a definition for “judge” or “judicial district,” and only makes reference to a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court.

SB 385 amends ORS 166.360 to expand the definition of “court facility” to include both justice courts and municipal courts. The bill specifically defines “judge” to include municipal court judges and justices of the peace. ORS 166.360 currently defines prohibited weapons to include any “dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife, other than an ordinary pocketknife, the use of which could inflict injury upon a person or property.” SB 385 refines the definition of “pocketknife” to add a prohibition on those pocketknives with a blade four inches in length or longer.

Finally, SB 385 makes clear that municipal courts and justice courts may establish policies and procedures to improve court security, emergency preparedness and business continuity.

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***This summary has not been adopted or officially endorsed by action of the committee.***

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