

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:** 4/16

WHAT THE MEASURE DOES: Creates the crime of endangering a minor by allowing access to firearm. Classifies crime as Class A misdemeanor, punishable by one year's imprisonment, \$6,250 fine or both. Provides exemptions to crime. Prohibits possession of firearm by person convicted under section and creates process for relief from prohibition. Prohibits transfer of firearm to person convicted under section for five years after conviction. Requires permission of minor's parent or guardian for temporary transfer of firearm to minor. Requires gun dealer to post notice concerning obligations to prevent minors from accessing firearms without consent of owner or minor's parent or guardian. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

BACKGROUND: Senate Bill 945 creates a new crime in Oregon called "endangering a minor by allowing access to a firearm." A person commits the crime if: 1) the person possesses an operable firearm within premises under the person's control; 2) the firearm is in a location where the person knows or reasonably should have known that a minor could gain access to the firearm; and 3) a minor obtains the firearm without the consent of the person of the minor's parent or legal guardian. There are defenses to the crime enumerated in the bill. The crime is not applicable if: 1) the minor obtains the firearm as a result of an unlawful entry into the premises by any person; 2) the firearm is located in a locked container; or 3) the firearm is locked with a device that is designed to prevent unauthorized users of the firearm from firing the firearm and has rendered the firearm temporarily inoperable or the person is a peace officer or service member and the minor obtains the firearm during or incidental to the performance of the person's duties as a peace officer or service member. Violation of this law constitutes a Class A misdemeanor, which is punishable by a maximum of one year jail, a \$6,250 fine or both.

The bill additionally provides that a gun dealer shall post, in a prominent location, a notice stating that the owner of a firearm has an obligation to keep the weapon out of the hands of a minor without the consent of the owner of the minor's parent or legal guardian. The sign must be posted in a prominent location in the gun dealer's place of business in block letters not less than one inch in height. Further, Senate Bill 945 states that if a person has been previously convicted of the crime of endangering a minor by allowing access to a firearm within the past five years they are prohibited from possessing a firearm.

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

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