

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/16/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/26, 04/08, 04/16

Vote:

Yeas: 4 - Gelsler, Kruse, Prozanski, Thatcher

Exc: 1 - Burdick

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Adds justice court, municipal court, probate court and juvenile court to definition of “court facility” where firearms and other weapons are prohibited absent specific circumstances. Establishes that prohibited knives include pocketknives. Authorizes municipal, probate, juvenile and justice court judges to establish procedures regulating possession of firearms and other weapons in court facilities. Establishes that in shared court facility, order, policy or procedure of presiding court judge takes precedence over that of municipal court judge, probate court judge, juvenile court judge or justice of the peace. Establishes 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.

ISSUES DISCUSSED:

- Dangers of weapons in court
- Shared court facilities in rural counties
- Limiting the hours when prohibition applies
- Why conduct covered in bill should be classified as a felony

EFFECT OF COMMITTEE AMENDMENT:

Establishes that in shared court facility, order, policy or procedure of presiding court judge takes precedence over that of municipal court judge, juvenile court judge, probate court judge or justice of the peace. Expands definition of local court facility to include juvenile court, municipal court or probate court. Establishes 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 his or her 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.

Senate Bill 385 A amends ORS 166.360 to expand the definition of “court facility” to include justice courts, municipal courts, probate courts and juvenile courts. The bill specifically defines “judge” to include municipal court judges, juvenile court judges, probate 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.” Senate Bill 385 A refines the definition of “pocketknife” to add a prohibition on those pocketknives with a blade four inches in length or longer.

Additionally, the bill limits the prohibition on firearms to those times during which the court operates, and to the area where the court conducts business. SB 385 A makes clear that in a shared court facility, the order of the presiding court judge takes precedence over the order of any other court in the same facility. Finally, SB 385 A makes clear that judges may establish policies and procedures to improve court security, emergency preparedness and business continuity.