

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 06/25/15

**Action:** Do Pass With Amendments To The B-Eng Bill. (Printed C-Eng.)

**Meeting Dates:** 06/25

**Vote:**

Yeas: 5 - Beyer, Boquist, Burdick, Ferrioli, Rosenbaum

**Prepared By:** Erin Seiler, Committee Administrator

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**WHAT THE MEASURE DOES:**

Modifies certain law enforcement defenses applicable to certain firearms-related crimes. Authorizes certain off-duty law enforcement officers to possess firearms in public buildings. Provides honorably retired law enforcement officers with protections provided to Oregon concealed handgun license holders provided that officers do not have disqualifying convictions. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Provisions of amendment
- Purpose of amendment

**EFFECT OF COMMITTEE AMENDMENT:**

Clarifies language prohibiting use of affirmative defense by certain honorably retired law enforcement officers.

**BACKGROUND:**

It is a crime in Oregon to possess a firearm if you have been convicted of a felony, are mentally ill or are under the age of 18. It is also a crime to carry a concealed weapon unlawfully, either upon one's person or within reach in a vehicle. Possession of dangerous weapons in public buildings is also a crime. (ORS 166.250 and 166.370) There are a number of exceptions to these crimes, which are affirmative defenses for persons charged. The exceptions vary depending on the crime, but generally include military personnel, a variety of active and retired law enforcement personnel, particular federal personnel and other individuals lawfully authorized to carry concealed weapons.

House Bill 2357-C refines and expands on existing exceptions to a handful of weapons crimes for law enforcement personnel: for both the crimes of unlawful possession and possession in public buildings, federal officers are included; for the crime of possession in public buildings, off-duty police and off-duty reserve officers, as well as honorably retired law enforcement, are added; for the violation of casting an artificial light from a vehicle in the presence of a weapon, an exception for honorably retired law enforcement was added; and for the violation of operating an off-road vehicle with a loaded weapon, exceptions were added for both law enforcement and honorablyretired law enforcement. And for all of these, honorably retired law enforcement are prohibited from using the affirmative defense if they have been convicted of an offense that would disqualify them from obtaining a concealed handgun license. The measure also makes conforming changes to avoid possible conflict with local firearms ordinances, and to remove an inconsistent limitation on corrections officers.