

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 941**

1 On page 1 of the printed A-engrossed bill, line 2, after “firearms;” delete
2 the rest of the line and delete lines 3 and 4 and insert “creating new pro-
3 visions; amending ORS 166.250, 166.270, 166.425 and 166.470.”.

4 Delete lines 6 through 20 and delete pages 2 through 23 and insert:

5 **“SECTION 1. ORS 166.250 is amended to read:**

6 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
7 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter
8 826, Oregon Laws 2009, a person commits the crime of unlawful possession
9 of a firearm if the person knowingly:

10 “(a) Carries any firearm concealed upon the person;

11 “(b) Possesses a handgun that is concealed and readily accessible to the
12 person within any vehicle; or

13 “(c) Possesses a firearm and:

14 “(A) Is under 18 years of age;

15 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
16 venile court for having committed an act which, if committed by an adult,
17 would constitute a felony or a misdemeanor involving violence, as defined
18 in ORS 166.470; and

19 “(ii) Was discharged from the jurisdiction of the juvenile court within
20 four years prior to being charged under this section;

21 “(C) Has been convicted of a felony;

22 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

1 “(E) Was found to be a person with mental illness and subject to an order
2 under ORS 426.130 that the person be prohibited from purchasing or pos-
3 sessing a firearm as a result of that mental illness; or

4 “(F) Has been found guilty except for insanity under ORS 161.295 of a
5 felony.

6 “(2) This section does not prohibit:

7 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
8 this section, from possessing a firearm:

9 “(A) Other than a handgun, if the firearm was transferred to the minor
10 by the minor’s parent or guardian or by another person with the consent of
11 the minor’s parent or guardian; or

12 “(B) Temporarily for hunting, target practice or any other lawful purpose;
13 or

14 “(b) Any citizen of the United States over the age of 18 years who resides
15 in or is temporarily sojourning within this state, and who is not within the
16 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
17 from owning, possessing or keeping within the person’s place of residence
18 or place of business any handgun, and no permit or license to purchase, own,
19 possess or keep any such firearm at the person’s place of residence or place
20 of business is required of any such citizen. As used in this subsection, ‘resi-
21 dence’ includes a recreational vessel or recreational vehicle while used, for
22 whatever period of time, as residential quarters.

23 “(3) Firearms carried openly in belt holsters are not concealed within the
24 meaning of this section.

25 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
26 handgun is readily accessible within the meaning of this section if the
27 handgun is within the passenger compartment of the vehicle.

28 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
29 subsection, has no storage location that is outside the passenger compart-
30 ment of the vehicle, a handgun is not readily accessible within the meaning

1 of this section if:

2 “(A) The handgun is stored in a closed and locked glove compartment,
3 center console or other container; and

4 “(B) The key is not inserted into the lock, if the glove compartment,
5 center console or other container unlocks with a key.

6 “(c) If a vehicle is a motorcycle, an all-terrain vehicle or a snowmobile,
7 a handgun is not readily accessible within the meaning of this section if:

8 “(A) The handgun is in a locked container within or affixed to the vehi-
9 cle; or

10 “(B) The handgun is equipped with a trigger lock or other locking mech-
11 anism that prevents the discharge of the firearm.

12 “(5)(a) Unlawful possession of a firearm **as described in subsection**
13 **(1)(a), (b) or (c)(A) of this section** is a Class A misdemeanor.

14 “**(b) Notwithstanding paragraph (a) of this subsection, unlawful**
15 **possession of a firearm as described in subsection (1)(c)(B) to (F) of**
16 **this section is a Class C felony.**

17 “**SECTION 2.** ORS 166.250, as amended by section 11a, chapter 826,
18 Oregon Laws 2009, section 2, chapter 662, Oregon Laws 2011, and section 7,
19 chapter 360, Oregon Laws 2013, is amended to read:

20 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
21 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the
22 crime of unlawful possession of a firearm if the person knowingly:

23 “(a) Carries any firearm concealed upon the person;

24 “(b) Possesses a handgun that is concealed and readily accessible to the
25 person within any vehicle; or

26 “(c) Possesses a firearm and:

27 “(A) Is under 18 years of age;

28 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
29 venile court for having committed an act which, if committed by an adult,
30 would constitute a felony or a misdemeanor involving violence, as defined

1 in ORS 166.470; and

2 “(ii) Was discharged from the jurisdiction of the juvenile court within
3 four years prior to being charged under this section;

4 “(C) Has been convicted of a felony;

5 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

6 “(E) Was found to be a person with mental illness and subject to an order
7 under ORS 426.130 that the person be prohibited from purchasing or pos-
8 sessing a firearm as a result of that mental illness; or

9 “(F) Has been found guilty except for insanity under ORS 161.295 of a
10 felony.

11 “(2) This section does not prohibit:

12 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of
13 this section, from possessing a firearm:

14 “(A) Other than a handgun, if the firearm was transferred to the minor
15 by the minor’s parent or guardian or by another person with the consent of
16 the minor’s parent or guardian; or

17 “(B) Temporarily for hunting, target practice or any other lawful purpose;
18 or

19 “(b) Any citizen of the United States over the age of 18 years who resides
20 in or is temporarily sojourning within this state, and who is not within the
21 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
22 from owning, possessing or keeping within the person’s place of residence
23 or place of business any handgun, and no permit or license to purchase, own,
24 possess or keep any such firearm at the person’s place of residence or place
25 of business is required of any such citizen. As used in this subsection, ‘resi-
26 dence’ includes a recreational vessel or recreational vehicle while used, for
27 whatever period of time, as residential quarters.

28 “(3) Firearms carried openly in belt holsters are not concealed within the
29 meaning of this section.

30 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a

1 handgun is readily accessible within the meaning of this section if the
2 handgun is within the passenger compartment of the vehicle.

3 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
4 subsection, has no storage location that is outside the passenger compart-
5 ment of the vehicle, a handgun is not readily accessible within the meaning
6 of this section if:

7 “(A) The handgun is stored in a closed and locked glove compartment,
8 center console or other container; and

9 “(B) The key is not inserted into the lock, if the glove compartment,
10 center console or other container unlocks with a key.

11 “(c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile,
12 a handgun is not readily accessible within the meaning of this section if:

13 “(A) The handgun is in a locked container within or affixed to the vehi-
14 cle; or

15 “(B) The handgun is equipped with a trigger lock or other locking mech-
16 anism that prevents the discharge of the firearm.

17 “(5)(a) Unlawful possession of a firearm **as described in subsection**
18 **(1)(a), (b) or (c)(A) of this section** is a Class A misdemeanor.

19 “**(b) Notwithstanding paragraph (a) of this subsection, unlawful**
20 **possession of a firearm as described in subsection (1)(c)(B) to (F) of**
21 **this section is a Class C felony.**

22 “**SECTION 3.** ORS 166.270 is amended to read:

23 “166.270. (1) Any person who has been convicted of a felony under the law
24 of this state or any other state, or who has been convicted of a felony under
25 the laws of the Government of the United States, who owns or has in the
26 person’s possession or under the person’s custody or control any firearm
27 commits the crime of felon in possession of a firearm.

28 “(2) Any person who has been convicted of a felony under the law of this
29 state or any other state, or who has been convicted of a felony under the
30 laws of the Government of the United States, who owns or has in the

1 person's possession or under the person's custody or control any instrument
2 or weapon having a blade that projects or swings into position by force of
3 a spring or by centrifugal force or any blackjack, slungshot, sandclub,
4 sandbag, sap glove, metal knuckles or an Electro-Muscular Disruption
5 Technology device as defined in ORS 165.540, or who carries a dirk, dagger
6 or stiletto, commits the crime of felon in possession of a restricted weapon.

7 “(3) For the purposes of this section, a person ‘has been convicted of a
8 felony’ if, at the time of conviction for an offense, that offense was a felony
9 under the law of the jurisdiction in which it was committed. Such conviction
10 shall not be deemed a conviction of a felony if:

11 “(a) The court declared the conviction to be a misdemeanor at the time
12 of judgment; or

13 “(b) The offense was possession of marijuana and the conviction was prior
14 to January 1, 1972.

15 “(4) Subsection (1) of this section does not apply to any person who has
16 been:

17 “(a) Convicted of only one felony under the law of this state or any other
18 state, or who has been convicted of only one felony under the laws of the
19 United States, which felony did not involve criminal homicide, as defined in
20 ORS 163.005, or the possession or use of a firearm or a weapon having a
21 blade that projects or swings into position by force of a spring or by
22 centrifugal force, and who has been discharged from imprisonment, parole
23 or probation for said offense for a period of 15 years prior to the date of
24 alleged violation of subsection (1) of this section; or

25 “(b) Granted relief from the disability under 18 U.S.C. 925(c) or ORS
26 166.274 or has had the person's record expunged under the laws of this state
27 or equivalent laws of another jurisdiction.

28 “(5) Felon in possession of a firearm is a Class [C] **B** felony. Felon in
29 possession of a restricted weapon is a Class A misdemeanor.

30 “**SECTION 4.** ORS 166.425 is amended to read:

1 “166.425. (1) A person commits the crime of unlawfully purchasing a
2 firearm if the person, knowing that the person is prohibited by state law
3 from owning or possessing the firearm or having the firearm under the
4 person’s custody or control, purchases or attempts to purchase the firearm.

5 “(2) Unlawfully purchasing a firearm is a Class [A *misdemeanor*] C
6 **felony**.

7 **“SECTION 5.** ORS 166.470 is amended to read:

8 “166.470. (1) Unless relief has been granted under ORS 166.274 or section
9 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or the expunction laws
10 of this state or an equivalent law of another jurisdiction, a person may not
11 intentionally sell, deliver or otherwise transfer any firearm when the
12 transferor knows or reasonably should know that the recipient:

13 “(a) Is under 18 years of age;

14 “(b) Has been convicted of a felony;

15 “(c) Has any outstanding felony warrants for arrest;

16 “(d) Is free on any form of pretrial release for a felony;

17 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

18 “(f) After January 1, 1990, was found to be a person with mental illness
19 and subject to an order under ORS 426.130 that the person be prohibited from
20 purchasing or possessing a firearm as a result of that mental illness;

21 “(g) Has been convicted of a misdemeanor involving violence or found
22 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
23 olence within the previous four years. As used in this paragraph,
24 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
25 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); or

26 “(h) Has been found guilty except for insanity under ORS 161.295 of a
27 felony.

28 “(2) A person may not sell, deliver or otherwise transfer any firearm that
29 the person knows or reasonably should know is stolen.

30 “(3) Subsection (1)(a) of this section does not prohibit:

1 “(a) The parent or guardian, or another person with the consent of the
2 parent or guardian, of a minor from transferring to the minor a firearm,
3 other than a handgun; or

4 “(b) The temporary transfer of any firearm to a minor for hunting, target
5 practice or any other lawful purpose.

6 “(4) Violation of this section is a Class [A *misdemeanor*] **C felony**.

7 “**SECTION 6.** ORS 166.470, as amended by section 11, chapter 826, Oregon
8 Laws 2009, and section 11, chapter 360, Oregon Laws 2013, is amended to
9 read:

10 “166.470. (1) Unless relief has been granted under ORS 166.274 or 18
11 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of
12 another jurisdiction, a person may not intentionally sell, deliver or otherwise
13 transfer any firearm when the transferor knows or reasonably should know
14 that the recipient:

15 “(a) Is under 18 years of age;

16 “(b) Has been convicted of a felony;

17 “(c) Has any outstanding felony warrants for arrest;

18 “(d) Is free on any form of pretrial release for a felony;

19 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

20 “(f) After January 1, 1990, was found to be a person with mental illness
21 and subject to an order under ORS 426.130 that the person be prohibited from
22 purchasing or possessing a firearm as a result of that mental illness;

23 “(g) Has been convicted of a misdemeanor involving violence or found
24 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
25 olence within the previous four years. As used in this paragraph,
26 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
27 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b); or

28 “(h) Has been found guilty except for insanity under ORS 161.295 of a
29 felony.

30 “(2) A person may not sell, deliver or otherwise transfer any firearm that

1 the person knows or reasonably should know is stolen.

2 “(3) Subsection (1)(a) of this section does not prohibit:

3 “(a) The parent or guardian, or another person with the consent of the
4 parent or guardian, of a minor from transferring to the minor a firearm,
5 other than a handgun; or

6 “(b) The temporary transfer of any firearm to a minor for hunting, target
7 practice or any other lawful purpose.

8 “(4) Violation of this section is a Class [A *misdemeanor*] C felony.

9 **“SECTION 7. In addition to and not in lieu of any other appropri-**
10 **ation, there is appropriated to the Oregon Health Authority, for the**
11 **biennium beginning July 1, 2015, out of the General Fund, the amount**
12 **of \$44,000,000, which shall be expended for the purpose of preventing**
13 **firearm violence by providing mental health services to persons expe-**
14 **riencing mental health crises and to persons with mental disorders**
15 **who are a danger to self or others or who are at risk of being a danger**
16 **to self or others.”.**

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