

Requested by Representative POST

**PROPOSED AMENDMENTS TO
HOUSE BILL 4145**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “166.173, 166.255, 166.260, 166.262, 166.370,
3 166.375, 166.380, 166.412, 166.418, 166.432, 166.434, 166.436, 166.663 and
4 821.240.”.

5 On page 8, delete lines 25 and 26 and insert:

6 **“SECTION 9. (1) The Department of Justice shall create and main-
7 tain a list of states that:**

8 **“(a) Authorize a person who is licensed under ORS 166.291 and
9 166.292 to carry a concealed handgun in that state; and**

10 **“(b) In order to obtain a concealed handgun license or permit, re-
11 quire license or permit applicants to demonstrate competency with a
12 handgun by any one of the following:**

13 **“(A) Completion of any hunter education or hunter safety course
14 approved by the State Department of Fish and Wildlife or a similar
15 agency of another state if handgun safety was a component of the
16 course;**

17 **“(B) Completion of any National Rifle Association firearms safety
18 or training course if handgun safety was a component of the course;**

19 **“(C) Completion of any firearms safety or training course or class
20 available to the general public offered by law enforcement, a commu-
21 nity college or a private or public institution, organization or firearms**

1 training school utilizing instructors certified by the National Rifle
2 Association or a law enforcement agency if handgun safety was a
3 component of the course;

4 “(D) Completion of any law enforcement firearms safety or training
5 course or class offered for security guards, investigators, reserve law
6 enforcement officers or any other law enforcement officers if handgun
7 safety was a component of the course; or

8 “(E) Evidence of equivalent experience with a handgun through
9 participation in organized shooting competition or military service.

10 “(2)(a) The Department of Justice shall update the list described in
11 subsection (1) of this section at least once each year.

12 “(b) The department shall provide the list described in subsection
13 (1) of this section to all law enforcement agencies within this state.

14 “(c) The department shall make the list described in subsection (1)
15 of this section available to the public without charge on an Internet
16 website.

17 “(3) The Attorney General is authorized to enter into a reciprocal
18 agreement with a state or local law enforcement agency or court that
19 issues concealed handgun licenses or permits in another state, or an-
20 other issuing authority of that state, if the state is on the list de-
21 scribed in subsection (1) of this section and such an agreement is
22 necessary to allow residents of each state who hold valid concealed
23 handgun licenses or permits to lawfully possess a concealed handgun
24 in each state.

25 “(4) The department may adopt rules to carry out the provisions
26 of this section.

27 “SECTION 10. ORS 166.173 is amended to read:

28 “166.173. (1) A city or county may adopt ordinances to regulate, restrict
29 or prohibit the possession of loaded firearms in public places as defined in
30 ORS 161.015.

1 “(2) Ordinances adopted under subsection (1) of this section do not apply
2 to or affect:

3 “(a) A law enforcement officer.

4 “(b) A member of the military in the performance of official duty.

5 “(c) A person **who is licensed under ORS 166.291 and 166.292** to carry
6 a concealed handgun.

7 “**(d) A person who is not a resident of this state, who is not other-**
8 **wise prohibited from possessing a firearm under state or federal law**
9 **and who is authorized to carry a concealed handgun pursuant to a**
10 **valid license or permit that was issued, in a state on the list described**
11 **in section 9 of this 2018 Act, by a state or local law enforcement**
12 **agency, a court or another issuing authority of that state.**

13 “[*d*] (e) A person authorized to possess a loaded firearm while in or on
14 a public building or court facility under ORS 166.370.

15 “[*e*] (f) An employee of the United States Department of Agriculture,
16 acting within the scope of employment, who possesses a loaded firearm in the
17 course of the lawful taking of wildlife.

18 “[*f*] (g) An honorably retired law enforcement officer, unless the person
19 who is a retired law enforcement officer has been convicted of an offense
20 that would make the person ineligible to obtain a concealed handgun license
21 under ORS 166.291 and 166.292.

22 “**SECTION 11.** ORS 166.260 is amended to read:

23 “166.260. (1) ORS 166.250 does not apply to or affect:

24 “(a) A parole and probation officer, police officer or reserve officer, as
25 those terms are defined in ORS 181A.355.

26 “(b) A federal officer, as defined in ORS 133.005, or a certified reserve
27 officer or corrections officer, as those terms are defined in ORS 181A.355,
28 while the federal officer, certified reserve officer or corrections officer is
29 acting within the scope of employment.

30 “(c) An honorably retired law enforcement officer, unless the person who

1 is a retired law enforcement officer has been convicted of an offense that
2 would make the person ineligible to obtain a concealed handgun license un-
3 der ORS 166.291 and 166.292.

4 “(d) Any person summoned by an officer described in paragraph (a) or (b)
5 of this subsection to assist in making arrests or preserving the peace, while
6 the summoned person is engaged in assisting the officer.

7 “(e) The possession or transportation by any merchant of unloaded
8 firearms as merchandise.

9 “(f) Active or reserve members of:

10 “(A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the
11 United States, or of the National Guard, when on duty;

12 “(B) The commissioned corps of the National Oceanic and Atmospheric
13 Administration; or

14 “(C) The Public Health Service of the United States Department of Health
15 and Human Services, when detailed by proper authority for duty with the
16 Army or Navy of the United States.

17 “(g) Organizations which are by law authorized to purchase or receive
18 weapons described in ORS 166.250 from the United States, or from this state.

19 “(h) Duly authorized military or civil organizations while parading, or the
20 members thereof when going to and from the places of meeting of their or-
21 ganization.

22 “(i) A person who is licensed under ORS 166.291 and 166.292 to carry a
23 concealed handgun.

24 “(2) It is an affirmative defense to a charge of violating ORS 166.250
25 (1)(c)(C) that the person has been granted relief from the disability under
26 ORS 166.274.

27 “(3) Except for persons who are otherwise prohibited from possessing a
28 firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to
29 or affect:

30 “(a) Members of any club or organization, for the purpose of practicing

1 shooting at targets upon the established target ranges, whether public or
2 private, while such members are using any of the firearms referred to in ORS
3 166.250 upon such target ranges, or while going to and from such ranges.

4 “(b) Licensed hunters or fishermen while engaged in hunting or fishing,
5 or while going to or returning from a hunting or fishing expedition.

6 **“(c) A person who is not a resident of this state and who is au-**
7 **thorized to carry a concealed handgun pursuant to a valid license or**
8 **permit that was issued, in a state on the list described in section 9 of**
9 **this 2018 Act, by a state or local law enforcement agency, a court or**
10 **another issuing authority of that state.**

11 “(4) The exceptions listed in subsection (1)(d) to (i) of this section con-
12 stitute affirmative defenses to a charge of violating ORS 166.250.

13 **“SECTION 12.** ORS 166.262 is amended to read:

14 “166.262. A peace officer may not arrest or charge a person for violating
15 ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s im-
16 mediate possession:

17 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
18 166.292;

19 **“(2) For a person who is not otherwise prohibited from possessing**
20 **a firearm and who is not a resident of this state, a valid license or**
21 **permit that was issued, in a state on the list described in section 9 of**
22 **this 2018 Act, by a state or local law enforcement agency, a court or**
23 **another issuing authority of that state, and that authorizes the person**
24 **to carry a concealed handgun;**

25 “[2] (3) Proof that the person is a law enforcement officer; or

26 “[3] (4) Proof that the person is an honorably retired law enforcement
27 officer, unless the person has been convicted of an offense that would make
28 the person ineligible to obtain a concealed handgun license under ORS
29 166.291 and 166.292.

30 **“SECTION 13.** ORS 166.370 is amended to read:

1 “166.370. (1) Any person who intentionally possesses a loaded or unloaded
2 firearm or any other instrument used as a dangerous weapon, while in or on
3 a public building, shall upon conviction be guilty of a Class C felony.

4 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection,
5 a person who intentionally possesses:

6 “(A) A firearm in a court facility is guilty, upon conviction, of a Class
7 C felony. A person who intentionally possesses a firearm in a court facility
8 shall surrender the firearm to a law enforcement officer.

9 “(B) A weapon, other than a firearm, in a court facility may be required
10 to surrender the weapon to a law enforcement officer or to immediately re-
11 move it from the court facility. A person who fails to comply with this sub-
12 paragraph is guilty, upon conviction, of a Class C felony.

13 “(C) A firearm in a local court facility is guilty, upon conviction, of a
14 Class C felony if, prior to the offense, the presiding judge of the local court
15 facility entered an order prohibiting firearms in the area in which the court
16 conducts business and during the hours in which the court operates.

17 “(b) The presiding judge of a judicial district or a municipal court may
18 enter an order permitting the possession of specified weapons in a court fa-
19 cility.

20 “(c) Within a shared court facility, the presiding judge of a municipal
21 court or justice of the peace district may not enter an order concerning the
22 possession of weapons in the court facility that is in conflict with an order
23 entered by the presiding judge of the circuit court.

24 “(3) Subsection (1) of this section does not apply to:

25 “(a) A police officer or reserve officer, as those terms are defined in ORS
26 181A.355.

27 “(b) A parole and probation officer, as defined in ORS 181A.355, while the
28 parole and probation officer is acting within the scope of employment.

29 “(c) A federal officer, as defined in ORS 133.005, or a certified reserve
30 officer or corrections officer, as those terms are defined in ORS 181A.355,

1 while the federal officer, certified reserve officer or corrections officer is
2 acting within the scope of employment.

3 “(d) A person summoned by an officer described in paragraph (a), (b) or
4 (c) of this subsection to assist in making an arrest or preserving the peace,
5 while the summoned person is engaged in assisting the officer.

6 “(e) An honorably retired law enforcement officer.

7 “(f) An active or reserve member of the military forces of this state or the
8 United States, when engaged in the performance of duty.

9 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
10 concealed handgun.

11 “**(h) A person who is not a resident of this state, who is not other-**
12 **wise prohibited from possessing a firearm and who is authorized to**
13 **carry a concealed handgun pursuant to a valid license or permit that**
14 **was issued, in a state on the list described in section 9 of this 2018 Act,**
15 **by a state or local law enforcement agency, a court or another issuing**
16 **authority of that state.**

17 “[*h*] (i) A person who is authorized by the officer or agency that controls
18 the public building to possess a firearm or dangerous weapon in that public
19 building.

20 “[*i*] (j) An employee of the United States Department of Agriculture,
21 acting within the scope of employment, who possesses a firearm in the course
22 of the lawful taking of wildlife.

23 “[*j*] (k) Possession of a firearm on school property if the firearm:

24 “(A) Is possessed by a person who is not otherwise prohibited from pos-
25 sessing the firearm; and

26 “(B) Is unloaded and locked in a motor vehicle.

27 “(4)(a) The exceptions listed in subsection (3)(d) to [*j*] (k) of this section
28 constitute affirmative defenses to a charge of violating subsection (1) of this
29 section.

30 “(b) A person may not use the affirmative defense described in subsection

1 (3)(e) of this section if the person has been convicted of an offense that
2 would make the person ineligible to obtain a concealed handgun license un-
3 der ORS 166.291 and 166.292.

4 “(5)(a) Any person who knowingly, or with reckless disregard for the
5 safety of another, discharges or attempts to discharge a firearm at a place
6 that the person knows is a school shall upon conviction be guilty of a Class
7 C felony.

8 “(b) Paragraph (a) of this subsection does not apply to the discharge of
9 a firearm:

10 “(A) As part of a program approved by a school in the school by an in-
11 dividual who is participating in the program;

12 “(B) By a law enforcement officer acting in the officer’s official capacity;
13 or

14 “(C) By an employee of the United States Department of Agriculture,
15 acting within the scope of employment, in the course of the lawful taking
16 of wildlife.

17 “(6) Any weapon carried in violation of this section is subject to the
18 forfeiture provisions of ORS 166.279.

19 “(7) Notwithstanding the fact that a person’s conduct in a single criminal
20 episode constitutes a violation of both subsections (1) and (5) of this section,
21 the district attorney may charge the person with only one of the offenses.

22 “(8) As used in this section, ‘dangerous weapon’ means a dangerous
23 weapon as that term is defined in ORS 161.015.

24 **“SECTION 14.** ORS 166.375 is amended to read:

25 “166.375. (1) Notwithstanding ORS 162.135 and 162.185 or any Department
26 of Corrections regulation, rule, policy or provision of an employment con-
27 tract to the contrary, if the department has not provided a secure and locked
28 location for the storage of personal handguns and ammunition by authorized
29 staff, authorized staff may possess a personal handgun and ammunition in
30 the authorized staff member’s personal vehicle when the vehicle is parked in

1 a department parking lot if the authorized staff member:

2 “(a) Is present at a public building owned or occupied by the department;

3 “(b)(A) Has a valid concealed handgun license issued pursuant to ORS
4 166.291 and 166.292; or

5 **“(B) Is not a resident of this state, is not otherwise prohibited from**
6 **possessing a firearm and has a valid license or permit to carry a con-**
7 **cealed handgun that was issued, in a state on the list described in**
8 **section 9 of this 2018 Act, by a state or local law enforcement agency,**
9 **a court or another issuing authority of that state; and**

10 “(c) Has secured the personal handgun and ammunition in a closed and
11 locked container designed for the storage of firearms inside the vehicle.

12 “(2)(a) Authorized staff may possess and store only the amount and types
13 of ammunition authorized by the department by written policy or rule.

14 “(b) The department shall adopt written policies or rules to carry out the
15 purposes of this section. The policies or rules shall include, at a minimum,
16 procedures for and responsibilities of authorized staff when possessing and
17 storing personal handguns and ammunition on property owned or occupied
18 by the department under this section.

19 “(3) As used in this section and ORS 423.045:

20 “(a) ‘Authorized staff’ means employees of the department and employees
21 of the State Board of Parole and Post-Prison Supervision and Oregon Cor-
22 rections Enterprises who are assigned to work in or at a public building
23 owned or occupied by the department.

24 “(b) ‘Handgun’ has the meaning given that term in ORS 166.210.

25 “(c) ‘Vehicle’ means a vehicle that is self-propelled and that is commonly
26 known as a passenger car, van, truck or motorcycle.

27 **“SECTION 15.** ORS 166.380 is amended to read:

28 “166.380. (1) Except as provided in subsection (2) of this section, a peace
29 officer may examine a firearm possessed by anyone on the person while in
30 or on a public building to determine whether the firearm is a loaded firearm.

1 “(2)(a) A person who is licensed under ORS 166.291 and 166.292 to carry
2 a concealed handgun may present a valid concealed handgun license to the
3 peace officer instead of providing the firearm to the peace officer for exam-
4 ination.

5 “(b) **A person who is not a resident of this state, who is not other-**
6 **wise prohibited from possessing a firearm and who is authorized to**
7 **carry a concealed handgun pursuant to a valid license or permit that**
8 **was issued, in a state on the list described in section 9 of this 2018 Act,**
9 **by a state or local law enforcement agency, a court or another issuing**
10 **authority of that state, may present the valid license or permit to the**
11 **peace officer instead of providing the firearm to the peace officer for**
12 **examination.**

13 “**SECTION 16.** ORS 166.663 is amended to read:

14 “166.663. (1) A person may not cast from a motor vehicle an artificial light
15 while there is in the possession or in the immediate physical presence of the
16 person a bow and arrow or a firearm.

17 “(2) Subsection (1) of this section does not apply to a person casting an
18 artificial light:

19 “(a) From the headlights of a motor vehicle that is being operated on a
20 road in the usual manner.

21 “(b) When the bow and arrow or firearm that the person has in the pos-
22 session or immediate physical presence of the person is disassembled or
23 stored, or in the trunk or storage compartment of the motor vehicle.

24 “(c) When the ammunition or arrows are stored separate from the weapon.

25 “(d) On land owned or lawfully occupied by that person.

26 “(e) On publicly owned land when that person has an agreement with the
27 public body to use that property.

28 “(f) When the person is a peace officer, or is a government employee en-
29 gaged in the performance of official duties.

30 “(g) When the person has been issued a license under ORS 166.291 and

1 166.292 to carry a concealed handgun.

2 **“(h) When the person is not a resident of this state, is not otherwise**
3 **prohibited from possessing a firearm and is authorized to carry a**
4 **concealed handgun pursuant to a valid license or permit that was is-**
5 **sued, in a state on the list described in section 9 of this 2018 Act, by**
6 **a state or local law enforcement agency, a court or another issuing**
7 **authority of that state.**

8 “[*h*] (i) When the person is an honorably retired law enforcement officer,
9 unless the person has been convicted of an offense that would make the
10 person ineligible to obtain a concealed handgun license under ORS 166.291
11 and 166.292.

12 “(3) A peace officer may issue a citation to a person for a violation of
13 subsection (1) of this section when the violation is committed in the presence
14 of the peace officer or when the peace officer has probable cause to believe
15 that a violation has occurred based on a description of the vehicle or other
16 information received from a peace officer who observed the violation.

17 “(4) Violation of subsection (1) of this section is punishable as a Class B
18 violation.

19 “(5) As used in this section, ‘peace officer’ has the meaning given that
20 term in ORS 161.015.

21 **“SECTION 17. ORS 821.240 is amended to read:**

22 “821.240. (1) A person commits the offense of operating a snowmobile or
23 an all-terrain vehicle while carrying a firearm or bow if the person operates
24 any snowmobile or all-terrain vehicle with a firearm in the possession of the
25 person, unless the firearm is unloaded, or with a bow, unless all arrows are
26 in a quiver.

27 “(2) Subsection (1) of this section does not apply to:

28 “(a) A person who is licensed under ORS 166.291 and 166.292 to carry a
29 concealed handgun;

30 **“(b) A person who is not a resident of this state, who is not other-**

1 **wise prohibited from possessing a firearm and who is authorized to**
2 **carry a concealed handgun pursuant to a valid license or permit that**
3 **was issued, in a state on the list described in section 9 of this 2018 Act,**
4 **by a state or local law enforcement agency, a court or another issuing**
5 **authority of that state;**

6 “[b)] (c) A law enforcement officer; or

7 “[c)] (d) An honorably retired law enforcement officer, unless the person
8 who is a retired law enforcement officer has been convicted of an offense
9 that would make the person ineligible to obtain a concealed handgun license
10 under ORS 166.291 and 166.292.

11 “(3) As used in this section, ‘unloaded’ means:

12 “(a) If the firearm is a revolver, that there is no live cartridge in the
13 chamber that is aligned with the hammer of the revolver;

14 “(b) If the firearm is a muzzle-loading firearm, that the firearm is not
15 capped or primed; or

16 “(c) If the firearm is other than a revolver or a muzzle-loading firearm,
17 that there is no live cartridge in the chamber.

18 “(4) The offense described in this section, operating a snowmobile or an
19 all-terrain vehicle while carrying a firearm or bow, is a Class B traffic vio-
20 lation.

21 **“SECTION 18. (1) The amendments to ORS 166.255 by section 1 of**
22 **this 2018 Act apply to possessions of firearms or ammunition occurring**
23 **on or after the effective date of this 2018 Act.**

24 **“(2) The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.375,**
25 **166.380, 166.663 and 821.240 by sections 10 to 17 of this 2018 Act apply**
26 **to conduct occurring on or after the effective date of this 2018 Act.”.**

27