

# D R A F T

## SUMMARY

Requires owner or possessor of firearm to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances. Punishes violation by maximum of \$500 fine. If minor obtains unsecured firearm as result of violation, punishes by maximum of \$2,000 fine. Provides that person who does not secure firearm as required is strictly liable for injury to person or property within two years after violation. Specifies exceptions to liability.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm except in specified circumstances. Punishes violation by maximum of \$500 fine. Provides that person who transfers firearm without securing firearm is strictly liable for injury to person or property within two years after violation. Specifies exceptions to liability.

Requires person to report loss or theft of firearm within 72 hours of time person knew or reasonably should have known of loss or theft. Punishes violation of requirement by maximum of \$1,000 fine.

Requires person transferring firearm to minor to directly supervise minor's use of firearm unless minor is owner of firearm. Provides that person who does not supervise minor as required is strictly liable for injury to person or property caused by minor's use of firearm.

Directs Oregon Health Authority to specify by rule minimum specifications for trigger and cable locks and locked containers required by Act.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1

2 Relating to firearm safety requirements; and declaring an emergency.

3 Whereas on December 11, 2012, 54-year-old Cindy Ann Yuille and  
4 45-year-old Steven Forsyth were shot and killed in the Clackamas Town  
5 Center with a stolen AR-15 style assault weapon; and

6 Whereas the assault rifle used to kill Cindy Ann Yuille and Steven

1 Forsyth had been stolen after being left unsecured with a fully loaded 30  
2 round ammunition magazine by its lawful owner; and

3 Whereas the lawful owner of the assault rifle failed to report the weapon  
4 stolen to any law enforcement agency upon discovering the theft of the  
5 weapon; and

6 Whereas the lawful owner of the weapon used in the Clackamas Town  
7 Center shooting had no legal obligation under Oregon law to safely secure  
8 the firearm or to report the theft of the weapon; and

9 Whereas on average 10 children under the age of 18 commit suicide in  
10 Oregon each year with firearms that were not safely stored and secured to  
11 prevent child access; and

12 Whereas Oregon has a per capita suicide rate above the national average;  
13 and

14 Whereas the percentage of suicides that are firearm suicides in Oregon  
15 is also above the national average; and

16 Whereas a proven barrier to the impulse to commit suicide is securing  
17 firearms with a lock or storing firearms in locked containers; and

18 Whereas there are a number of children who are injured in Oregon each  
19 year with firearms that were not safely stored and secured to prevent child  
20 access; and

21 Whereas the lack of a safe storage law in Oregon contributed to more  
22 than 22,000 firearms being lost or stolen in Oregon over the past 10 years;  
23 and

24 Whereas two-thirds of all school shootings in the United States from 1974  
25 through 2000 involved weapons taken by the attackers from their home or  
26 from the home of a relative, and many of these shootings would have been  
27 prevented if the firearms used had been secured and safely stored; and

28 Whereas simple common-sense actions including safely storing and trans-  
29 ferring firearms, promptly reporting to law enforcement officials the loss or  
30 theft of firearms and supervising children when they use firearms would  
31 prevent many deaths and injuries in Oregon; and

1 Whereas the Cindy Yuille and Steven Forsyth Act can be effective in  
2 significantly reducing gun violence and suicide in Oregon without imposing  
3 criminal penalties; and

4 Whereas everyone has the right to be free from gun violence; now,  
5 therefore,

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1. Sections 2 to 7 of this 2020 Act shall be known and may**  
8 **be cited as the Cindy Yuille and Steve Forsyth Act.**

9 **SECTION 2. As used in sections 2 to 7 of this 2020 Act:**

10 (1) **“Authorized person” means a person authorized by the owner**  
11 **or possessor of a firearm to carry or control the firearm.**

12 (2)(a) **“Container” means a box, case, chest, locker, safe or other**  
13 **similar receptacle.**

14 (b) **“Container” does not include a building, room or vehicle or a**  
15 **space within a vehicle.**

16 (3) **“Control” means, in relation to a firearm, that a person is in**  
17 **sufficiently close proximity to the firearm to prevent another person**  
18 **from obtaining the firearm.**

19 (4) **“Firearm” has the meaning given that term in ORS 166.210, ex-**  
20 **cept that it does not include a firearm that has been rendered perma-**  
21 **nently inoperable.**

22 (5) **“Gun room” means an area within a building enclosed by walls,**  
23 **a floor and a ceiling, including a closet, that has all entrances secured**  
24 **by a tamper-resistant lock, that is kept locked at all times when un-**  
25 **occupied and that is used for:**

26 (a) **The storage of firearms, ammunition, components of firearms**  
27 **or ammunition, or equipment for firearm-related activities including**  
28 **but not limited to reloading ammunition, gunsmithing and firearm**  
29 **cleaning and maintenance; or**

30 (b) **Conducting firearm-related activities, including but not limited**  
31 **to reloading ammunition, gunsmithing and firearm cleaning and**

1 maintenance.

2 (6) "Handgun" has the meaning given that term in ORS 166.210.

3 (7) "Law enforcement agency" has the meaning given that term in  
4 ORS 166.525.

5 (8) "Minor" means a person under 18 years of age.

6 (9)(a) "Transfer" means the delivery of a firearm from a person to  
7 a recipient, neither of whom is a gun dealer or is licensed as a man-  
8 ufacturer or importer under 18 U.S.C. 923, including, but not limited  
9 to, the sale, gift, loan or lease of the firearm.

10 (b) "Transfer" does not include:

11 (A) The temporary provision of a firearm by a person to a recipient  
12 other than a minor if the person has no reason to believe the recipient  
13 is prohibited from possessing a firearm or intends to use the firearm  
14 in the commission of a crime, and the provision occurs:

15 (i) At a shooting range, shooting gallery or other area designed for  
16 the purpose of target shooting, for use during target practice, a  
17 firearms safety or training course or class or a similar lawful activity;

18 (ii) For the purpose of hunting, trapping or target shooting, during  
19 the time in which the recipient is engaged in activities related to  
20 hunting, trapping or target shooting;

21 (iii) Under circumstances in which the recipient and the firearm are  
22 in the presence of the person;

23 (iv) To a recipient who is in the business of repairing firearms, for  
24 the time during which the firearm is being repaired;

25 (v) To a recipient who is in the business of making or repairing  
26 custom accessories for firearms, for the time during which the acces-  
27 sories are being made or repaired; or

28 (vi) For the purpose of preventing imminent death or serious  
29 physical injury, and the provision lasts only as long as is necessary to  
30 prevent the death or serious physical injury; or

31 (B) A delivery of a firearm made inoperable for the specific purpose

1 of being used as a prop in the making of a motion picture or a tele-  
2 vision, digital or similar production.

3 **SECTION 3. (1)(a) A person who owns or possesses a firearm shall,**  
4 **at all times that the firearm is not carried by or under the control of**  
5 **the person or an authorized person, secure the firearm:**

6 (A) With an engaged trigger lock or cable lock that meets or ex-  
7 ceeds the minimum specifications established by the Oregon Health  
8 Authority under section 7 of this 2020 Act;

9 (B) In a locked container, equipped with a tamper-resistant lock,  
10 that meets or exceeds the minimum specifications established by the  
11 Oregon Health Authority under section 7 of this 2020 Act; or

12 (C) In a gun room.

13 (b) For purposes of paragraph (a) of this subsection, a firearm is  
14 not secured if:

15 (A) A key, combination or other means of opening a lock or con-  
16 tainer is readily available to a person the owner or possessor has not  
17 authorized to carry or control the firearm.

18 (B) The firearm is a handgun, is left unattended in a vehicle and  
19 is within view of persons outside the vehicle.

20 (2)(a) A violation of subsection (1) of this section is a Class C vio-  
21 lation.

22 (b) Notwithstanding paragraph (a) of this subsection, a violation of  
23 subsection (1) of this section is a Class A violation if a minor obtains  
24 an unsecured firearm as a result of the violation and the owner or  
25 possessor of the firearm knew or should have known that a minor  
26 could gain unauthorized access to the unsecured firearm.

27 (c) Each firearm owned or possessed in violation of subsection (1)  
28 of this section constitutes a separate violation.

29 (3) If a person obtains an unsecured firearm as a result of the owner  
30 or possessor of a firearm violating subsection (1) of this section and  
31 the firearm is used to injure a person or property within two years of

1 **the violation, the owner or possessor of the firearm who violated sub-**  
2 **section (1) of this section is strictly liable for the injury.**

3 **(4) The liability imposed by subsection (3) of this section does not**  
4 **apply if:**

5 **(a) The injury results from a lawful act of self-defense or defense**  
6 **of another person; or**

7 **(b) The unsecured firearm was obtained:**

8 **(A) At a shooting range, shooting gallery or other area designed for**  
9 **the purpose of target shooting, for use during target practice, a**  
10 **firearms safety or training course or class or a similar lawful activity;**

11 **(B) For the purpose of hunting, trapping or target shooting, during**  
12 **the time in which the person is engaged in activities related to hunt-**  
13 **ing, trapping or target shooting;**

14 **(C) Under circumstances in which the person and the firearm are**  
15 **in the presence of the owner or possessor of the firearm;**

16 **(D) By a person who is in the business of repairing firearms, for the**  
17 **purpose of repairing the firearm;**

18 **(E) By a person who is in the business of making or repairing cus-**  
19 **tom accessories for firearms, for the purpose of making or repairing**  
20 **the accessories; or**

21 **(F) By a person as a result of the person entering or remaining**  
22 **unlawfully in a dwelling, as those terms are defined in ORS 164.205.**

23 **(5) This section does not apply to members of a law enforcement**  
24 **unit as defined in ORS 181A.355.**

25 **SECTION 4. (1) A person transferring a firearm shall transfer the**  
26 **firearm:**

27 **(a) With an engaged trigger lock or cable lock that meets or exceeds**  
28 **the minimum specifications established by the Oregon Health Au-**  
29 **thority under section 7 of this 2020 Act; or**

30 **(b) In a locked container, equipped with a tamper-resistant lock,**  
31 **that meets or exceeds the minimum specifications established by the**

1 **Oregon Health Authority under section 7 of this 2020 Act.**

2 **(2)(a) A violation of subsection (1) of this section is a Class C vio-**  
3 **lation.**

4 **(b) Each firearm transferred in violation of subsection (1) of this**  
5 **section constitutes a separate violation.**

6 **(3) If a firearm transferred in a manner that violates subsection (1)**  
7 **of this section is used to injure a person or property within two years**  
8 **of the violation, the owner or possessor of the firearm who transferred**  
9 **the firearm in violation of subsection (1) of this section is strictly lia-**  
10 **ble for the injury.**

11 **(4) The liability imposed by subsection (3) of this section does not**  
12 **apply if the injury results from a lawful act of self-defense or defense**  
13 **of another person.**

14 **SECTION 5. (1)(a) A person who owns, possesses or controls a**  
15 **firearm shall report the loss or theft of the firearm to a law enforce-**  
16 **ment agency in the jurisdiction in which the loss or theft occurred as**  
17 **soon as practicable but not later than within 72 hours of the time the**  
18 **person knew or reasonably should have known of the loss or theft.**

19 **(b) If a means of reporting a loss or theft of a firearm within 72**  
20 **hours is not reasonably available, the person who owned, possessed or**  
21 **controlled the firearm that was lost or stolen must report the loss or**  
22 **theft within 24 hours of the means of reporting becoming available.**

23 **(c) A person may include the serial number of the firearm in a re-**  
24 **port under this subsection.**

25 **(2)(a) A violation of subsection (1) of this section is a Class B vio-**  
26 **lation.**

27 **(b) Each firearm for which a person does not make the report**  
28 **within the time required by subsection (1) of this section constitutes**  
29 **a separate violation.**

30 **(c) A person who knowingly provides false information in a report**  
31 **required by subsection (1) of this section commits the crime of initi-**

1 **ating a false report under ORS 162.375.**

2 **(3) If a lost or stolen firearm is used to injure a person or property**  
3 **and the person who owned, possessed or controlled the firearm at the**  
4 **time of the loss or theft did not report the loss or theft within the time**  
5 **period required by subsection (1) of this section, the person who**  
6 **owned, possessed or controlled the firearm at the time of the loss or**  
7 **theft is strictly liable for the injury for two years from the expiration**  
8 **of the time limit for reporting or until the loss or theft report is made,**  
9 **whichever occurs sooner.**

10 **(4) The liability imposed by subsection (3) of this section does not**  
11 **apply if the injury results from a lawful act of self-defense or defense**  
12 **of another person.**

13 **(5)(a) Within 24 hours of receiving a report under subsection (1) of**  
14 **this section, a law enforcement agency shall create a record concern-**  
15 **ing the lost or stolen firearm in the Law Enforcement Data System**  
16 **or another electronic database as determined by the Department of**  
17 **State Police.**

18 **(b) A law enforcement agency is exempt from the obligation de-**  
19 **scribed in paragraph (a) of this subsection if the agency is unable to**  
20 **create a record concerning the lost or stolen firearm in the electronic**  
21 **database due to insufficient information.**

22 **(c) The department may adopt rules to carry out the provisions of**  
23 **this subsection.**

24 **SECTION 6. (1)(a) A person who transfers a firearm to a minor**  
25 **shall directly supervise the minor's use of the firearm.**

26 **(b) Notwithstanding ORS 166.250, except in the case of a lawful act**  
27 **of self-defense or defense of another person, a minor may possess a**  
28 **firearm only under the direct supervision of an adult.**

29 **(2)(a) A person who transfers a firearm to a minor, and who fails**  
30 **to directly supervise the minor's use of the firearm, is strictly liable**  
31 **for injury to person or property caused by the minor's use of the**



1 **firearm.**

2 **(b) The liability imposed by paragraph (a) of this subsection does**  
3 **not apply if the injury results from a lawful act of self-defense or de-**  
4 **fense of another person.**

5 **(3) This section does not apply to the transfer of a firearm:**

6 **(a) That is owned by the minor; or**

7 **(b) To a minor, by a person who is the minor's parent or guardian**  
8 **or who has obtained the permission of the minor's parent or guardian:**

9 **(A) For the purpose of hunting in accordance with ORS 497.360,**  
10 **hunting of a predatory animal as defined in ORS 610.002, or target**  
11 **shooting at a shooting range, shooting gallery or other area designed**  
12 **for the purpose of target shooting, during the time in which the minor**  
13 **is engaged in activities related to hunting or target shooting; and**

14 **(B) Who holds a valid youth license under ORS 497.127 for the pur-**  
15 **poses of hunting.**

16 **SECTION 7. No later than July 1, 2020, the Oregon Health Author-**  
17 **ity, in consultation with the Department of State Police and after**  
18 **considering any relevant standards in the Consumer Product Safety**  
19 **Act (15 U.S.C. 2051 et seq.), shall adopt rules establishing the minimum**  
20 **specifications for trigger locks, cable locks and containers equipped**  
21 **with tamper-resistant locks required by sections 3 and 4 of this 2020**  
22 **Act.**

23 **SECTION 8. A gun dealer shall post in a prominent location in the**  
24 **gun dealer's place of business a notice, in block letters not less than**  
25 **one inch in height, that states, "The purchaser of a firearm has an**  
26 **obligation to store firearms in a safe manner and to prevent unsuper-**  
27 **vised access to a firearm by a minor. If a minor or unauthorized per-**  
28 **son obtains access to a firearm and the owner failed to store the**  
29 **firearm in a safe manner, the owner may be in violation of the law."**

30 **SECTION 9. (1) Sections 2 to 6 and 8 of this 2020 Act become oper-**  
31 **ative on July 1, 2020.**

1       **(2) The Oregon Health Authority may take any action before the**  
2 **operative date specified in subsection (1) of this section that is neces-**  
3 **sary to enable the authority to exercise, on and after the operative**  
4 **date specified in subsection (1) of this section, all of the duties, func-**  
5 **tions and powers conferred on the authority by sections 2 to 7 of this**  
6 **2020 Act.**

7       **SECTION 10.** **This 2020 Act being necessary for the immediate**  
8 **preservation of the public peace, health and safety, an emergency is**  
9 **declared to exist, and this 2020 Act takes effect on its passage.**

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