

**SB 978 -1, -5 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

---

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 4/2, 4/9

---

**WHAT THE MEASURE DOES:**

Directs Department of State Police to conduct a study the reporting of attempted unlawful firearm transfers and report on findings to interim committees of Legislative Assembly related to judiciary on or before September 15, 2020.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Replaces the measure.

Allows gun dealers or individuals in the business of repairing or servicing firearms to establish a minimum age of 18-21 years for the purchase of firearms or firearm related accessories. Exempts gun dealers or individuals in the business of repairing or servicing firearms from restrictions prohibiting discrimination based on age to allow enforcement of any age restriction adopted pursuant to section 1 of this act. Applies to all causes of action under ORS 659A.403, whether arising before, on or after the effective date of this 2019 Act.

Requires a firearm to have an engaged trigger or cable lock and be stored in a locked container when being transferred from one individual to another. Declares it a Class C violation offense for each firearm transferred in violation of this provision. Provides strict liability for injury that occurs within two years as a result of a transfer made in violation of this section.

Requires a person who owns, possesses or controls a firearm to report a loss or theft of the firearm to law enforcement as soon as practicable but not later than 72 hours from the time the person knew or reasonably should have known of the loss or theft. Allows for exception to 72 hours if no means of reporting reasonably available. Declares violation of this section a Class B violation for each firearm an individual fails to report lost or stolen. Establishes strict liability for injury caused by a firearm stolen that occurs within two years as a result of a failure to report a firearm made in violation of this section.

Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm. Established strict liability for injury to a person or property caused by a minor's use of a firearm transferred in violation of this section. Provides exceptions for transfers to a minor for hunting purposes.

Requires the Oregon Health Authority to establish by rule minimum specifications for trigger locks, cable locks and containers equipped with tamper-resistant locks no later than January 1, 2020.

Creates the crime of unlawful storage of a firearm. Provides that a person who leaves a firearm in a location where they reasonably know or should know a minor is likely to gain access and a minor does gain access to the firearm commits a Class A violation. Creates exceptions when the firearm is properly stored. Unlawful storage of a firearm is a Class B misdemeanor if a minor obtains a firearm in violation of this act and the minor exhibits the firearm in a careless, angry, or threatening manner. Unlawful storage of a firearm is a Class A misdemeanor if the minor obtains possession of the firearm in violation of this act and the minor injures or kills another person.

Requires a gun dealer to post notice at place of business that firearm owners have an obligation to store firearms in a safe manner to prevent unsupervised access by a minor.

## SB 978 -1, -5 STAFF MEASURE SUMMARY

Includes unfinished frames or receivers in ORS 166.412.

Prohibits the possession, manufacture, assembly, import, or sale of untraceable or downloadable firearms and declares a Class B felony unless a person is federally licensed to manufacture firearms and does so in compliance with federal regulations.

Prohibits the import and sale of an unfinished frame or receiver and declares a Class B felony unless a person is federally licensed and does so in compliance with federal regulations. Provides that it is a Class C felony if a person knowingly possess an unfinished frame or receiver that is not serialized in accordance with federal regulations. Adds unfinished frame or receiver to the crime of unlawful possession of a firearm under ORS 166.250. States that a person is prohibited from possessing a firearm if they have two or more convictions of unlawful storage of a firearm under section 12 of this 2019 act.

Provides that each licensed hospital shall submit to the Oregon Health Authority (OHA) emergency department records relating the patient discharge and outcome for any patient receiving treatment for an injury caused by a firearm. Requires OHA to establish standards for data collection.

Allows the sheriff to charge a fee equal to the Federal Bureau of Investigation for conducting a nationwide fingerprint check of an applicant.

Provides authority to a city, a county, a metropolitan service district, or a port operating a commercial service airport, and school districts and colleges, to adopt ordinances regulating possession of firearms in public buildings by persons licensed to carry a concealed handgun, limiting the affirmative defense provided in ORS 166.370(g).

Amends the definition of public building to include the grounds adjacent to a public building. Includes real property owned by a college or university and a passenger terminal that has at least 1 million passenger boarding per year to the definition of public building.

Exempts from required background checks listed in ORS 166.435 a firearm transfer to a museum as defined in ORS 358.415.

-5 Includes the -1. Makes technical changes. Removes emergency clause, replace with 91 days after sine die.

Amend definition of public building removing parking lots from the current definition to provide ability to carry concealed a weapon while in the parking lots or drop off areas of airports; schools. Expands exception to supervision of minors to broaden unsupervised hunting related activities by youth with appropriate licensure and permission from a parent or guardian. Provide exceptions to federally licensed firearm dealers and manufacturers from the storage and transfer requirements. Reduces from a Class B misdemeanor to a Class A violation provisions relating to access to unsecured firearms by a minor.

### **BACKGROUND:**