

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Tawna Sanchez)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4005**

1 On page 2 of the printed bill, delete lines 16 through 45 and delete pages  
2 3 and 4 and insert:

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

4 **“(1) ‘Authorized person’ means a person authorized by the owner  
5 or possessor of a firearm to carry or control the firearm.**

6 **“(2)(a) ‘Container’ means a box, case, chest, locker, safe or other  
7 similar receptacle, equipped with a tamper-resistant lock.**

8 **“(b) ‘Container’ does not include a building, room or vehicle, or a  
9 space within a vehicle that has not been designed or modified specif-  
10 ically for the purpose of securing a firearm.**

11 **“(3) ‘Control’ means, in relation to a firearm, that a person is in  
12 sufficiently close proximity to the firearm to prevent another person  
13 from obtaining the firearm.**

14 **“(4) ‘Firearm’ has the meaning given that term in ORS 166.210, ex-  
15 cept that it does not include a firearm that has been rendered perma-  
16 nently inoperable.**

17 **“(5) ‘Gun room’ means an area within a building enclosed by walls,  
18 a floor and a ceiling, including a closet, that has all entrances secured  
19 by a tamper-resistant lock, that is kept locked at all times when un-  
20 occupied and that is used for:**

21 **“(a) The storage of firearms, ammunition, components of firearms**

1 or ammunition, or equipment for firearm-related activities including  
2 but not limited to reloading ammunition, gunsmithing and firearm  
3 cleaning and maintenance; or

4 “(b) Conducting firearm-related activities, including but not limited  
5 to reloading ammunition, gunsmithing and firearm cleaning and  
6 maintenance.

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

8 “(7) ‘Law enforcement agency’ has the meaning given that term in  
9 ORS 166.525.

10 “(8) ‘Minor’ means a person under 18 years of age.

11 “(9) ‘Transfer’ means the delivery of a firearm from a person to a  
12 recipient, neither of whom is a gun dealer or is licensed as a man-  
13 ufacturer or importer under 18 U.S.C. 923, including, but not limited  
14 to, the sale, gift, loan or lease of the firearm.

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

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

21 “(B) In a locked container that meets or exceeds the minimum  
22 specifications established by the Oregon Health Authority under sec-  
23 tion 7 of this 2020 Act; or

24 “(C) In a gun room.

25 “(b) For purposes of paragraph (a) of this subsection:

26 “(A) A firearm is not secured if:

27 “(i) A key, combination or other means of opening a lock or con-  
28 tainer is readily available to a person the owner or possessor has not  
29 authorized to carry or control the firearm.

30 “(ii) The firearm is a handgun, is left unattended in a vehicle and

1 is within view of persons outside the vehicle.

2 “(B) A firearm is under the control of a person if:

3 “(i) The person is alone in the person’s residence with the firearm;  
4 and

5 “(ii) The windows and doors of the residence are locked.

6 “(2)(a) A violation of subsection (1) of this section is a Class C vio-  
7 lation.

8 “(b) Notwithstanding paragraph (a) of this subsection, a violation  
9 of subsection (1) of this section is a Class A violation if a minor ob-  
10 tains an unsecured firearm as a result of the violation and the owner  
11 or possessor of the firearm knew or should have known that a minor  
12 could gain unauthorized access to the unsecured firearm.

13 “(c) Each firearm owned or possessed in violation of subsection (1)  
14 of this section constitutes a separate violation.

15 “(3) If a person obtains an unsecured firearm as a result of the  
16 owner or possessor of a firearm violating subsection (1) of this section  
17 and the firearm is used to injure a person or property within two years  
18 of the violation, the owner or possessor of the firearm who violated  
19 subsection (1) of this section is strictly liable for the injury.

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

22 “(a) The injury results from a lawful act of self-defense or defense  
23 of another person; or

24 “(b) The unsecured firearm was obtained:

25 “(A) At a shooting range, shooting gallery or other area designed  
26 for the purpose of target shooting, for use during target practice, a  
27 firearms safety or training course or class or a similar lawful activity;

28 “(B) For the purpose of hunting, trapping or target shooting, during  
29 the time in which the person is engaged in activities related to hunt-  
30 ing, trapping or target shooting;

1       “(C) Under circumstances in which the person and the firearm are  
2 in the presence of the owner or possessor of the firearm;

3       “(D) By a person who is in the business of repairing firearms, for  
4 the purpose of repairing the firearm;

5       “(E) By a person who is in the business of making or repairing  
6 custom accessories for firearms, for the purpose of making or repair-  
7 ing the accessories; or

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

10       “(5) This section does not apply to a police officer as defined in ORS  
11 181A.355, with respect to a particular firearm, if storage of the firearm  
12 is covered by a policy of the law enforcement agency employing the  
13 officer and the firearm is stored in compliance with the policy.

14       “SECTION 4. (1) If a person transfers a firearm and a criminal  
15 background check under ORS 166.435 is required prior to the transfer,  
16 the person shall transfer the firearm:

17       “(a) With an engaged trigger lock or cable lock that meets or ex-  
18 ceeds the minimum specifications established by the Oregon Health  
19 Authority under section 7 of this 2020 Act; or

20       “(b) In a locked container that meets or exceeds the minimum  
21 specifications established by the Oregon Health Authority under sec-  
22 tion 7 of this 2020 Act.

23       “(2)(a) A violation of subsection (1) of this section is a Class C vio-  
24 lation.

25       “(b) Each firearm transferred in violation of subsection (1) of this  
26 section constitutes a separate violation.

27       “(3) If a firearm transferred in a manner that violates subsection  
28 (1) of this section is used to injure a person or property within two  
29 years of the violation, the owner or possessor of the firearm who  
30 transferred the firearm in violation of subsection (1) of this section is

1 strictly liable for the injury.

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

5 “(5) This section does not apply to:

6 “(a) The transfer of a firearm made inoperable for the specific  
7 purpose of being used as a prop in the making of a motion picture or  
8 a television, digital or similar production.

9 “(b) A transfer that occurs when a firearm is taken from the owner  
10 or possessor of the firearm by force.

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

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

20 “(c) A person may include the serial number of the firearm in a  
21 report under this subsection.

22 “(2)(a) A violation of subsection (1) of this section is a Class B vio-  
23 lation.

24 “(b) Each firearm for which a person does not make the report  
25 within the time required by subsection (1) of this section constitutes  
26 a separate violation.

27 “(c) A person who knowingly provides false information in a report  
28 required by subsection (1) of this section commits the crime of initi-  
29 ating a false report under ORS 162.375.

30 “(3) If a lost or stolen firearm is used to injure a person or property

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

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

11 “(5)(a) Within 24 hours of receiving a report under subsection (1)  
12 of this section, a law enforcement agency shall create a record con-  
13 cerning the lost or stolen firearm in the Law Enforcement Data Sys-  
14 tem or another electronic database as determined by the Department  
15 of State Police.

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

20 “(c) The department may adopt rules to carry out the provisions  
21 of this subsection.

22 “SECTION 6. (1) Except as provided in subsections (3) and (4) of this  
23 section, a person who delivers or otherwise transfers a firearm to a  
24 minor shall directly supervise the minor’s use of the firearm.

25 “(2)(a) A person who delivers or otherwise transfers a firearm to a  
26 minor, and who fails to directly supervise the minor’s use of the  
27 firearm, is strictly liable for injury to a person or property caused by  
28 the minor’s use of the firearm.

29 “(b) The liability imposed by paragraph (a) of this subsection does  
30 not apply if the injury results from a lawful act of self-defense or de-

1 **fense of another person.**

2 **“(3) A person who delivers or otherwise transfers a firearm to a**  
3 **minor may delegate to another person, with the consent of the other**  
4 **person and the minor’s parent or guardian, the duty to supervise the**  
5 **minor’s use of the firearm. If the duty to supervise is delegated under**  
6 **this subsection, the person assuming the duty to supervise also as-**  
7 **sumes the liability described in subsection (2) of this section.**

8 **“(4)(a) This section does not apply, with respect to a particular**  
9 **firearm other than a handgun, if:**

10 **“(A) The firearm is transferred to a minor in accordance with ORS**  
11 **166.470, and, as a result of the transfer, the minor is the owner of the**  
12 **firearm; or**

13 **“(B) The firearm is temporarily transferred to a minor who holds**  
14 **a valid youth license issued under ORS 497.127, by the minor’s parent**  
15 **or guardian or by another person with the consent of the minor’s**  
16 **parent or guardian, for the purpose of hunting in accordance with ORS**  
17 **497.360, hunting of a predatory animal as defined in ORS 610.002 or**  
18 **target shooting at a shooting range, shooting gallery or other area**  
19 **designed for the purpose of target shooting.**

20 **“(b) The exception described in paragraph (a)(B) of this subsection**  
21 **applies only during the time in which the minor is engaged in activ-**  
22 **ities related to hunting or target shooting.”.**

23 On page 5, delete lines 1 through 31.

24 In line 35, delete “equipped with tamper-resistant”.

25 In line 36, delete “locks”.

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