

SB 554 A -A12, -A15, -A18, -A20, -A21, -A22, -A23, -A27, -A28

STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Gillian Fischer

Meeting Dates: 4/21, 4/22, 4/23

WHAT THE MEASURE DOES:

Provides that any entity that owns or occupies a public building may adopt an ordinance or policy limiting or precluding the possession of firearms in those public buildings by persons otherwise authorized under ORS 166.370(3)(g). Defines State building and precludes the possession of firearms in state buildings by persons otherwise authorized under ORS 166.370(3)(g). Clarifies that a public building does not include any part of a building or grounds that serve as a parking area or parking garage. Limits definition of public building relating to commercial service airport to only the passenger terminal of a commercial service airport. Requires notice of an entity's ordinance or policy limiting possession of firearms to be posted to the entity's website and that include a universally recognizable symbol indicating that firearm possession is prohibited. Increases initial concealed handgun license fee from \$50 to \$100 and renewal of a concealed handgun license fee from \$50 to \$75. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A12 Replaces the measure. Defines 'reciprocal license' as a license or permit to carry a concealed handgun provided by an issuing authority of another state that recognizes legal authority of licenses to carry a concealed handgun issued to persons pursuant to Oregon law. Expands certain exceptions to statutory provisions that regulate or prohibit the possession of firearms to include a person authorized to carry a concealed handgun pursuant to a valid reciprocal license.

-A15 Provides a cause of action for actual damages if a person is harmed in a public building if the person demonstrates there is a reasonable possibility that, but for the building policy limiting or precluding the possession of a firearm, the harm would have been avoided.

-A18 Authorizes a city or county to adopt ordinances to regulate, restrict, or prohibit the open carrying of firearms in public parks. Exempts certain individuals from restrictions.

-A20 Replaces the measure. Requires a person who owns or possesses a firearm, while not carried or under the control of the person or an authorized person, to secure the firearm with an engaged trigger or cable lock or be stored in a locked container as defined by the measure. Defines control for purposes of measure. Provides that violation of this requirement is a Class C violation for each firearm found in violation. Provides that it is a Class A violation if a minor obtains an unsecured firearm stored in violation of this Act and the owner of the firearm knew or should have known that a minor could gain unauthorized access to the firearm. States that a firearm owner or possessor is per se negligent for injury caused by a firearm stored unsecured in violation of this Act within two years of the violation. Exempts law enforcement officers from requirements if law enforcement agency policy applies to storage of certain firearms possessed by officers. Requires a firearm to have an engaged trigger or cable lock or be stored in a locked container when being transferred from one individual to another. Makes a Class C violation offense for each violation of transfer provision. States that a firearm owner or possessor is per se negligent 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 is reasonably available. Makes a Class B violation for each firearm an individual fails to report lost or stolen. States that a firearm owner or possessor is per se negligent for injury caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this section. Requires a law enforcement agency to create a record concerning a lost or stolen firearm in the Law Enforcement Data System within 24 hours of receiving a report of a lost or stolen firearm unless the agency is unable to create such a record due to insufficient information. Directs the Department of State Police to adopt rules to comply with measure requirements. Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm. States that a firearm owner or possessor is per se negligent for injury to a person or property caused by a minor's unsupervised use of a firearm in violation of this section. Provides exceptions for transfers to a minor for hunting-related activities by youth with permission from a parent or guardian. Requires a gun dealer to post notice as described by measure of possessor's legal obligation to store firearms in a safe manner and to prevent unsupervised access to firearm by a minor. Authorizes the governing board of a public university, community college, or district school board to adopt a policy precluding the affirmative defense described in ORS 166.370(3)(g) for possession of firearms within school buildings controlled by the board. Requires notice of any policy precluding the affirmative defense described in this section to be posted at points of entry of school buildings and on the website of the governing board. Expands the definition of public building to include a city, a county, a district, or any other entity that falls within the definition of 'municipal corporation,' or the passenger terminal of a commercial service airport with over 1 million passenger boardings per year. Provides that a person is guilty of a Class A misdemeanor if, in a prosecution for possession of a firearm within the Capitol or within school buildings subject to a policy described in section 8 of this act, the proves by a preponderance of the evidence that the person was licensed to carry a concealed handgun. Increases fee for initial issuance of a concealed handgun license from \$50 to \$100 and from \$50 to \$75 for renewal of a concealed handgun license. Declares an emergency, effective upon passage.

-A21 Repeals state preemption statutes.

-A22 Removes provisions authorizing any entity that owns or occupies a public building to adopt an ordinance or policy limiting or precluding the possession of firearms in those public buildings by persons otherwise authorized under ORS 166.370(3)(g). Authorizes the governing board of a public university, community college, or district school board to adopt a policy precluding the affirmative defense described in ORS 166.370(3)(g) for possession of firearms in or on school property controlled by the board other than areas where persons are commonly picked up or dropped off by a motor vehicle. Provides that a person is guilty of a Class A misdemeanor if, in a prosecution for possession of a firearm within a state building, within the passenger terminal of a commercial service airport, or on school property subject to a policy described in section 1 of this Act, the person proves by a preponderance of the evidence that the person was licensed to carry a concealed handgun.

-A23 Removes provisions authorizing any entity that owns or occupies a public building to adopt an ordinance or policy limiting or precluding the possession of firearms in those public buildings by persons otherwise authorized under ORS 166.370(3)(g). Authorizes the governing board of a public university, community college, or district school board to adopt a policy precluding the affirmative defense described in ORS 166.370(3)(g) for possession of firearms in or on school property controlled by the board other than areas where persons are commonly picked up or dropped off by a motor vehicle. Provides that a person is guilty of a Class A misdemeanor if, in a prosecution for possession of a firearm within a state building, within the passenger terminal of a commercial service airport, or on school property subject to a policy described in section 1 of this Act, the person proves by a preponderance of the evidence that the person was licensed to carry a concealed handgun. Declares an emergency, effective upon passage.

-A27 Replaces the measure. Directs the Department of Education to develop, by rule, a firearm safety curriculum for students grades 7 through 9. Requires each school district to ensure students grades 7 through 9 receive instruction in accordance with curriculum developed by the Department. Provides that a lawfully owned firearm stored within an individual owner's home or motor vehicle is a safely and lawfully stored firearm.

-A28 Replaces the measure. Directs the Department of Education to develop, by rule, a firearm safety curriculum for students grades 7 through 9. Requires each school district to ensure students grades 7 through 9 receive instruction in accordance with curriculum developed by the Department. Provides that a lawfully owned firearm stored within an individual owner's home or motor vehicle is a safely and lawfully stored firearm. Defines 'reciprocal license' as a license or permit to carry a concealed handgun provided by an issuing authority of another state that recognizes legal authority of licenses to carry a concealed handgun issued to persons pursuant to Oregon law. Expands certain exceptions to statutory provisions that regulate or prohibit the possession of firearms to include a person authorized to carry a concealed handgun pursuant to a valid reciprocal license.

BACKGROUND:

Oregon statute provides that any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony unless that person is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

Senate Bill 554 A expands the authority of a city, county, metropolitan service district, or port operating a commercial airport to prohibit the possession of firearms within public buildings to individuals who were exempt from the prohibition due to holding a concealed handgun permit.