

SB 554 B STAFF MEASURE SUMMARY

Carrier: Rep. Prusak

House Committee On Rules**Action Date:** 04/23/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-3-0-0**Yeas:** 4 - Fahey, Holvey, Salinas, Smith Warner**Nays:** 3 - Bonham, Drazan, Zika**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact, statement issued (Indeterminate Impact)**Prepared By:** Gillian Fischer**Meeting Dates:** 4/21, 4/22, 4/23**WHAT THE MEASURE DOES:**

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 or a gun room 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, the Oregon Health and Science University Board of Directors, or a district school board to adopt a policy precluding the affirmative defense described in ORS 166.370(3)(g) for possession of firearms on school grounds controlled by the board. Requires notice of any policy precluding the affirmative defense described in this section to be posted at points of entry to school grounds and on the website of the governing board. Expands the definition of public building to include the passenger terminal of a commercial service airport with over one 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,

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on school grounds subject to a policy described in section 8 of this act, or within the passenger terminal of a commercial service airport with over one million passenger boardings per year, the person proves by a preponderance of the evidence that the person was licensed to carry a concealed handgun at the time of the offense. 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. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Prevalence of gun violence around the nation
- Link between gun violence, including suicide, and access to firearms
- Previously introduced measures regulating firearms
- Provisions of proposed amendments
- Impact of firearm restrictions in public buildings varying by city and county
- Scope of protection provided by the Second Amendment of the U.S. Constitution

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Firearm injury is a leading cause of premature death in the United States. According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2017, 486 people in the United States died of unintentional gun injuries, 23,854 people committed suicide with a gun, and 14,542 people were intentionally killed by gun injuries. About 10 percent of these deaths were children.

Among U.S. adolescents and young adults 10-24 years old, gun homicides are the third leading cause of death; gun suicides are the second. In 2010, 15,576 children were treated for gun injuries in U.S. emergency departments, and 1,970 of them died. Studies have found that adolescents' risk for suicide increases as their access to firearms increases. Suicide attempts in children are more likely to be successful when they have access to lethal weapons; 90 percent of suicide attempts with guns are successful, compared to less than 5 percent of suicide attempts using less lethal means, like medications or sharp objects. The risk for unintentional injury and suicide in children is reduced when guns are kept locked.

Public health experts work to conduct surveillance to track gun-related deaths and injuries, identify causes of firearm injuries and death, identify risk factors associated with gun violence (e.g., poverty and depression), and seek to develop, implement, and evaluate interventions to reduce risk factors and promote prevention strategies (American Public Health Association). The Oregon Health Authority's Public Health Division reports that firearm fatalities occur due to suicide, homicide, legal intervention, unintentional shootings, and undetermined intent shootings. Most firearm deaths in Oregon are due to suicide. Males are nearly six times more likely than females to die from a firearm injury. Older males (age ≥ 65 years) have the highest risk of death by firearm suicide. Young adults 18 to 24 years old are at the highest risk of being victims of homicide by firearm (2016). A 2017 Oregon Health and Science University report stated, in Oregon, an average of 456 people die annually from gun-related injuries, a rate of 11.7 per 100,000. The majority of these gun injury deaths is a result of suicide, followed by homicide.

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 B establishes standards for the transfer, storage, and reporting the loss or theft of firearms. It prohibits the possession of firearms within the Capitol, on school grounds subject to a policy as described in this act, and within the passenger terminal of a commercial service airport with over one million passenger boardings per year and removes the existing affirmative defense provided for concealed handgun license holders. Finally, the measure increases fees for concealed handgun licenses.