

House Bill 3268

Sponsored by Representative HUDSON; Representatives NERON, REYNOLDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits possession of weapons in Capitol except by police officer or member of military performing duties. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Directs Legislative Administrator to develop and implement administrative policy for screening of persons entering Capitol by security personnel.

A BILL FOR AN ACT

1
2 Relating to weapons in the Capitol; amending ORS 166.262, 166.370, 166.380 and 173.720.

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

4 **SECTION 1.** ORS 166.370 is amended to read:

5 166.370. (1)(a) Any person who intentionally possesses a loaded or unloaded firearm or any other
6 instrument used as a dangerous weapon, **while on the grounds adjacent to the Capitol or** while
7 in or on a public building **other than within the Capitol**, shall upon conviction be guilty of a Class
8 C felony.

9 **(b) Any person who intentionally possesses a loaded or unloaded firearm, or any other**
10 **instrument used as a dangerous weapon, while in the Capitol shall upon conviction be guilty**
11 **of a Class C felony.**

12 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
13 tionally possesses:

14 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
15 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
16 officer.

17 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
18 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
19 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

20 (C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to
21 the offense, the presiding judge of the local court facility entered an order prohibiting firearms in
22 the area in which the court conducts business and during the hours in which the court operates.

23 (b) The presiding judge of a judicial district or a municipal court may enter an order permitting
24 the possession of specified weapons in a court facility.

25 (c) Within a shared court facility, the presiding judge of a municipal court or justice of the
26 peace district may not enter an order concerning the possession of weapons in the court facility that
27 is in conflict with an order entered by the presiding judge of the circuit court.

28 (3) Subsection (1)(a) of this section does not apply to:

29 (a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

30 (b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 officer is acting within the scope of employment.

2 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
 3 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
 4 or corrections officer is acting within the scope of employment.

5 (d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to
 6 assist in making an arrest or preserving the peace, while the summoned person is engaged in as-
 7 sisting the officer.

8 (e) An honorably retired law enforcement officer.

9 (f) An active or reserve member of the military forces of this state or the United States, when
 10 engaged in the performance of duty.

11 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

12 (h) A person who is authorized by the officer or agency that controls the public building to
 13 possess a firearm or dangerous weapon in that public building.

14 (i) An employee of the United States Department of Agriculture, acting within the scope of em-
 15 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

16 (j) Possession of a firearm on school property if the firearm:

17 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

18 (B) Is unloaded and locked in a motor vehicle.

19 (4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative de-
 20 fenses to a charge of violating subsection (1)(a) of this section.

21 (b) A person may not use the affirmative defense described in subsection (3)(e) of this section
 22 if the person has been convicted of an offense that would make the person ineligible to obtain a
 23 concealed handgun license under ORS 166.291 and 166.292.

24 **(5) Subsection (1)(b) of this section does not apply to:**

25 **(a) A police officer as that term is defined in ORS 181A.355.**

26 **(b) An active or reserve member of the military forces of this state or the United States,**
 27 **when engaged in the performance of duty.**

28 ~~[(5)(a)]~~ **(6)(a)** Any person who knowingly, or with reckless disregard for the safety of another,
 29 discharges or attempts to discharge a firearm at a place that the person knows is a school shall
 30 upon conviction be guilty of a Class C felony.

31 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

32 (A) As part of a program approved by a school in the school by an individual who is partic-
 33 ipating in the program;

34 (B) By a law enforcement officer acting in the officer's official capacity; or

35 (C) By an employee of the United States Department of Agriculture, acting within the scope of
 36 employment, in the course of the lawful taking of wildlife.

37 ~~[(6)]~~ **(7)** Any weapon carried in violation of this section is subject to the forfeiture provisions
 38 of ORS 166.279.

39 ~~[(7)]~~ **(8)** Notwithstanding the fact that a person's conduct in a single criminal episode constitutes
 40 a violation of both subsections (1) and ~~[(5)]~~ **(6)** of this section, the district attorney may charge the
 41 person with only one of the offenses.

42 ~~[(8)]~~ **(9)** As used in this section, "dangerous weapon" means a dangerous weapon as that term
 43 is defined in ORS 161.015.

44 **SECTION 2.** ORS 166.380 is amended to read:

45 166.380. (1) Except as provided in subsection (2) of this section, a peace officer may examine a

1 firearm possessed by anyone on the person while in or on a public building to determine whether
2 the firearm is a loaded firearm.

3 (2) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, **and**
4 **who is in or on a public building other than the Capitol, or is on the grounds adjacent to the**
5 **Capitol**, may present a valid concealed handgun license to the peace officer instead of providing the
6 firearm to the peace officer for examination.

7 **SECTION 3.** ORS 166.262 is amended to read:

8 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
9 (b) or 166.370 (1)(a) if the person has in the person's immediate possession:

10 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292;

11 (2) Proof that the person is a law enforcement officer; or

12 (3) Proof that the person is an honorably retired law enforcement officer, unless the person has
13 been convicted of an offense that would make the person ineligible to obtain a concealed handgun
14 license under ORS 166.291 and 166.292.

15 **SECTION 4.** ORS 173.720 is amended to read:

16 173.720. (1) Pursuant to the policies and directions of the Legislative Administration Committee,
17 the Legislative Administrator shall:

18 (a) Coordinate administrative operations of the Legislative Assembly in order to ensure efficient
19 work flow.

20 (b) Develop standard formats for legislative manuals and interim committee reports.

21 (c) Review legislative organization, rules and procedure in cooperation with the Legislative
22 Counsel with the intent of modernizing legislative operations.

23 (d) Conduct a continuing study of possible applications of technological changes and improve-
24 ments, such as data processing and electronic equipment, to improve legislative procedures, and
25 when considered advisable, make recommendations to adopt such applications.

26 (e) Arrange for and coordinate orientation conferences for members of the Legislative Assembly
27 that shall include, but need not be limited to, education about recycling programs available in the
28 State Capitol.

29 (f) Study and make recommendations on legislative compensation and working conditions.

30 (g) Control all space and facilities within the State Capitol and such other space as is assigned
31 to the Legislative Assembly.

32 (h) Direct renovation and repair of the State Capitol, renovation, repair and replacement of
33 State Capitol fixtures and facilities, and artistic and other aesthetic improvements to the State
34 Capitol and adjacent areas.

35 (i) Perform administrative service functions for the Legislative Assembly, including but not lim-
36 ited to accounting, data processing, personnel administration, printing, supply, space allocation and
37 property management.

38 (j) Arrange for the printing and distribution of legislative manuals and interim committee re-
39 ports.

40 (k) Establish fee schedules for legislative measures, calendars, indexes and digests.

41 (L) Coordinate the use of legislative supplies, materials, equipment and other property by legis-
42 lative interim committees and by standing committees and offices of the Legislative Assembly.

43 (2) Pursuant to the policies and directions of the Legislative Administration Committee, the
44 Legislative Administrator may enter into contracts to carry out the functions of the Legislative
45 Administrator.

1 **(3) The Legislative Administrator shall develop and implement an administrative policy**
2 **for the screening of persons entering the State Capitol by security personnel before admis-**
3 **sion into the building.**

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