

B-Engrossed
Senate Bill 554

Ordered by the House April 27
Including Senate Amendments dated March 22 and House Amendments
dated April 27

Sponsored by Senators BURDICK, MANNING JR, WAGNER, Representatives GRAYBER, PRUSAK, REYNOLDS, SOLLMAN; Senators DEMBROW, FREDERICK, GORSEK, LIEBER, PROZANSKI, RILEY, STEINER HAYWARD, TAYLOR, Representatives DEXTER, MEEK, PHAM, SCHOUTEN (Presession filed.)

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.

[Authorizes entity that owns, occupies or controls public building to adopt ordinance, rule or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees. Provides that ordinance, rule or policy may not affect possession of firearms in parking area or parking garage.]

[Modifies definition of "public building," for purposes of crime of possession of weapon in public building, to include certain airport areas, buildings owned, occupied or controlled by specified public bodies and real property owned by college or university. Defines "state building" and removes affirmative defense for possession of firearm in state building by concealed handgun licensee. Provides that prohibition of firearms in public buildings does not apply to person who possesses unloaded firearm in airport in locked container for transportation in accordance with federal law. Punishes violation by maximum of five years' imprisonment, \$125,000 fine, or both.]

Requires person to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances. Punishes violation by maximum of \$500 fine. Punishes violation by maximum of \$2,000 fine if minor obtains unsecured firearm as result of violation. Provides that failure to secure firearm as required constitutes negligence per se. Specifies exceptions.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm under circumstances requiring criminal background check. Punishes violation by maximum of \$500 fine. Provides that transfer of unsecured firearm constitutes negligence per se. Specifies exceptions.

Requires person to report loss or theft of firearm within 72 hours of time person knew or reasonably should have known of loss or theft. Provides that failure to report lost or stolen firearm constitutes negligence per se. Punishes violation of requirement by maximum of \$1,000 fine.

Requires person transferring firearm to minor to directly supervise minor's use of firearm. Provides that failure to supervise minor constitutes negligence per se. Authorizes person to transfer supervisory duty to another person. Specifies exceptions.

Authorizes board of public university, Oregon Health and Science University, community college or school district to adopt policy providing that affirmative defense for concealed handgun licensees possessing firearms on school grounds does not apply. Provides that in prosecution for possession of firearm on school grounds subject to policy, within Capitol, or within passenger terminal of certain airports, concealed handgun licensee affirmative defense is not complete defense but results in Class A misdemeanor conviction punishable by 364 days' imprisonment, \$6,250 fine, or both. Modifies definition of "public building," for purposes of crime of possession of weapon in public building, to include passenger terminal of certain airports. Creates affirmative defense to crime for persons who possess unloaded firearm in passenger terminal in locked container for transportation in accordance with federal law.

Increases fees payable to county sheriff for issuance and renewal of concealed handgun license. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

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Relating to firearms; creating new provisions; amending ORS 166.262, 166.291, 166.360 and 166.370; and prescribing an effective date.

Whereas on December 11, 2012, 54-year-old Cindy Ann Yuille and 45-year-old Steven Forsyth

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 were shot and killed in the Clackamas Town Center with a stolen AR-15 style assault weapon; and

2 Whereas the assault rifle used to kill Cindy Ann Yuille and Steven Forsyth had been stolen after
3 being left unsecured with a fully loaded 30 round ammunition magazine by its lawful owner; and

4 Whereas the lawful owner of the assault rifle failed to report the weapon stolen to any law
5 enforcement agency upon discovering the theft of the weapon; and

6 Whereas the lawful owner of the weapon used in the Clackamas Town Center shooting had no
7 legal obligation under Oregon law to safely secure the firearm or to report the theft of the weapon;
8 and

9 Whereas on average 10 children under the age of 18 commit suicide in Oregon each year with
10 firearms that were not safely stored and secured to prevent child access; and

11 Whereas Oregon has a per capita suicide rate above the national average; and

12 Whereas the percentage of suicides that are firearm suicides in Oregon is also above the na-
13 tional average; and

14 Whereas a proven barrier to the impulse to commit suicide is securing firearms with a lock or
15 storing firearms in locked containers; and

16 Whereas there are a number of children who are injured in Oregon each year with firearms that
17 were not safely stored and secured to prevent child access; and

18 Whereas the lack of a safe storage law in Oregon contributed to more than 22,000 firearms being
19 lost or stolen in Oregon over the past 10 years; and

20 Whereas two-thirds of all school shootings in the United States from 1974 through 2000 involved
21 weapons taken by the attackers from their home or from the home of a relative, and many of these
22 shootings would have been prevented if the firearms used had been secured and safely stored; and

23 Whereas simple common-sense actions including safely storing and transferring firearms,
24 promptly reporting to law enforcement officials the loss or theft of firearms and supervising children
25 when they use firearms would prevent many deaths and injuries in Oregon; and

26 Whereas the Cindy Yuille and Steve Forsyth Act can be effective in significantly reducing gun
27 violence and suicide in Oregon without imposing criminal penalties; and

28 Whereas everyone has the right to be free from gun violence; now, therefore,

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

30
31 **FIREARM STORAGE AND TRANSFER**

32 **(Definitions)**

33
34 **SECTION 1. Sections 2 to 6 of this 2021 Act shall be known and may be cited as the Cindy**
35 **Yuille and Steve Forsyth Act.**

36 **SECTION 2. As used in sections 2 to 6 of this 2021 Act:**

37 **(1) “Authorized person” means a person authorized by the owner or possessor of a**
38 **firearm to temporarily carry or control the firearm while in the presence of the owner or**
39 **possessor.**

40 **(2) “Container” means a box, case, chest, locker, safe or other similar receptacle, in-**
41 **cluding, within a vehicle, a glove compartment, enclosed trunk or center console, equipped**
42 **with a tamper-resistant lock.**

43 **(3) “Control” means, in relation to a firearm:**

44 **(a) That the owner or possessor of the firearm is close enough to the firearm to prevent**
45 **another person who is not an authorized person from obtaining the firearm; or**

1 (b) That the owner or possessor of the firearm is in the person's own residence, either
2 alone or with only authorized persons who also live in the residence and who are not minors,
3 and the residence is secure.

4 (4) "Firearm" has the meaning given that term in ORS 166.210, except that it does not
5 include a firearm that has been rendered permanently inoperable.

6 (5) "Gun room" means an area within a building enclosed by walls, a floor and a ceiling,
7 including a closet, that has all entrances secured by a tamper-resistant lock, that is kept
8 locked at all times when unoccupied and that is used for:

9 (a) The storage of firearms, ammunition, components of firearms or ammunition, or
10 equipment for firearm-related activities including but not limited to reloading ammunition,
11 gunsmithing and firearm cleaning and maintenance; or

12 (b) Conducting firearm-related activities, including but not limited to reloading ammuni-
13 tion, gunsmithing and firearm cleaning and maintenance.

14 (6) "Handgun" has the meaning given that term in ORS 166.210.

15 (7) "Law enforcement agency" has the meaning given that term in ORS 166.525.

16 (8) "Minor" means a person under 18 years of age.

17 (9) "Possessor" means a person who possesses a firearm with permission from the owner
18 of the firearm for a period of time when the owner is not present.

19 (10) "Trigger or cable lock" means:

20 (a) A device that, when installed in a firearm, is designed to prevent the firearm from
21 being operated without first deactivating the device; or

22 (b) A device incorporated into the design of the firearm that is designed to prevent the
23 operation of the firearm by any person not having access to the device.

24
25 (Storage)

26
27 **SECTION 3.** (1)(a) An owner or possessor of a firearm shall, at all times that the firearm
28 is not carried by or under the control of the owner, possessor or authorized person, secure
29 the firearm:

30 (A) With an engaged trigger or cable lock;

31 (B) In a locked container; or

32 (C) In a gun room.

33 (b) For purposes of paragraph (a) of this subsection, a firearm is not secured if:

34 (A) A key or combination to the trigger or cable lock or the container is readily available
35 to a person the owner or possessor has not authorized to carry or control the firearm.

36 (B) The firearm is a handgun, is left unattended in a vehicle and is within view of persons
37 outside the vehicle.

38 (2)(a) A violation of subsection (1) of this section is a Class C violation.

39 (b) Notwithstanding paragraph (a) of this subsection, a violation of subsection (1) of this
40 section is a Class A violation if a minor obtains an unsecured firearm as a result of the vi-
41 olation and the owner or possessor of the firearm knew or should have known that a minor
42 could gain unauthorized access to the unsecured firearm.

43 (c) Each firearm owned or possessed in violation of subsection (1) of this section consti-
44 tutes a separate violation.

45 (3) If a firearm obtained as a result of an owner or possessor of a firearm violating sub-

1 section (1) of this section is used to injure a person or property within two years of the vi-
2 olation, in an action against the owner or possessor to recover damages for the injury, the
3 violation constitutes per se negligence, and the presumption of negligence may not be over-
4 come by a showing that the owner or possessor acted reasonably.

5 (4) Subsection (3) of this section does not apply if:

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

7 (b) The unsecured firearm was obtained by a person as a result of the person entering
8 or remaining unlawfully in a dwelling, as those terms are defined in ORS 164.205.

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

13
14 (Transfers)

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

18 (a) With an engaged trigger or cable lock; or

19 (b) In a locked container.

20 (2)(a) A violation of subsection (1) of this section is a Class C violation.

21 (b) Each firearm transferred in violation of subsection (1) of this section constitutes a
22 separate violation.

23 (3) If a firearm transferred in a manner that violates subsection (1) of this section is used
24 to injure a person or property within two years of the violation, in an action against the
25 transferor to recover damages for the injury, the violation of subsection (1) of this section
26 constitutes per se negligence, and the presumption of negligence may not be overcome by a
27 showing that the transferor acted reasonably.

28 (4) Subsection (3) of this section does not apply if the injury results from a lawful act of
29 self-defense or defense of another person.

30 (5) This section does not apply to:

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

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

35
36 (Loss or Theft Reporting)

37
38 **SECTION 5.** (1)(a) A person who owns, possesses or controls a firearm shall report the
39 loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss
40 or theft occurred as soon as practicable but not later than within 72 hours of the time the
41 person knew or reasonably should have known of the loss or theft.

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

45 (c) A person may include the serial number of the firearm in a report under this sub-

1 section.

2 (2)(a) A violation of subsection (1) of this section is a Class B violation.

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

5 (c) A person who knowingly provides false information in a report required by subsection
6 (1) of this section commits the crime of initiating a false report under ORS 162.375.

7 (3) If a lost or stolen firearm is used to injure a person or property and the person who
8 owned, possessed or controlled the firearm at the time of the loss or theft did not report the
9 loss or theft as required by subsection (1) of this section, in an action against the person
10 who owned, possessed or controlled the firearm at the time of the loss or theft to recover
11 damages for the injury, the violation constitutes negligence per se for two years from the
12 expiration of the time limit for reporting or until the loss or theft report is made, whichever
13 occurs sooner. The presumption of negligence may not be overcome by a showing that the
14 person acted reasonably.

15 (4) Subsection (3) of this section does not apply if the injury results from a lawful act of
16 self-defense or defense of another person.

17 (5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law
18 enforcement agency shall create a record concerning the lost or stolen firearm in the Law
19 Enforcement Data System or another electronic database as determined by the Department
20 of State Police.

21 (b) A law enforcement agency is exempt from the obligation described in paragraph (a)
22 of this subsection if the agency is unable to create a record concerning the lost or stolen
23 firearm in the electronic database due to insufficient information.

24 (c) The department may adopt rules to carry out the provisions of this subsection.
25

26 (Supervision of Minor)
27

28 **SECTION 6.** (1) Except as provided in subsections (3) and (4) of this section, a person
29 who delivers or otherwise transfers a firearm to a minor shall directly supervise the minor's
30 use of the firearm.

31 (2)(a) If a person delivers or otherwise transfers a firearm to a minor and fails to directly
32 supervise the minor's use of the firearm as required by subsection (1) of this section, in an
33 action against the person to recover damages for injury to a person or property caused by
34 the minor's use of the firearm, the failure to supervise constitutes negligence per se, and the
35 presumption of negligence may not be overcome by a showing that the person acted rea-
36 sonably.

37 (b) Paragraph (a) of this subsection does not apply if the injury results from a lawful act
38 of self-defense or defense of another person.

39 (3) A person who delivers or otherwise transfers a firearm to a minor may delegate to
40 another person, with the consent of the other person and the minor's parent or guardian,
41 the duty to supervise the minor's use of the firearm. If the duty to supervise is delegated
42 under this subsection, subsection (2) of this section applies to the person assuming the duty
43 to supervise.

44 (4)(a) This section does not apply, with respect to a particular firearm other than a
45 handgun, if:

1 (A) The firearm is transferred to a minor in accordance with ORS 166.470, and, as a re-
2 sult of the transfer, the minor is the owner of the firearm; or

3 (B) The firearm is temporarily transferred to a minor by the minor's parent or guardian
4 or by another person with the consent of the minor's parent or guardian, for the purpose
5 of hunting in accordance with ORS 497.360, hunting of a predatory animal as defined in ORS
6 610.002 or target shooting at a shooting range, shooting gallery or other area designed for
7 the purpose of target shooting.

8 (b) The exception described in paragraph (a)(B) of this subsection applies only during the
9 time in which the minor is engaged in activities related to hunting or target shooting.

10
11 (Gun Dealer Notice)

12
13 **SECTION 7.** A gun dealer shall post in a prominent location in the gun dealer's place of
14 business a notice, in block letters not less than one inch in height, that states, "The pur-
15 chaser of a firearm has an obligation to store firearms in a safe manner and to prevent un-
16 supervised access to a firearm by a minor. If a minor or unauthorized person obtains access
17 to a firearm and the owner failed to store the firearm in a safe manner, the owner may be
18 in violation of the law."

19
20 **REGULATION OF FIREARMS IN PUBLIC BUILDINGS**

21
22 **SECTION 8.** (1) The governing board of a public university listed in ORS 352.002, the
23 Oregon Health and Science University Board of Directors, the governing board of a commu-
24 nity college or a district school board as defined in ORS 332.002 may adopt a policy providing
25 that the affirmative defense described in ORS 166.370 (3)(g), concerning persons licensed to
26 carry a concealed handgun under ORS 166.291 and 166.292, does not apply to the possession
27 of firearms on the grounds of the schools controlled by the board.

28 (2) A board that adopts a policy under this section shall:

29 (a) Post a clearly visible sign, at all normal points of entry to the school grounds subject
30 to the policy described in subsection (1) of this section, indicating that the affirmative de-
31 fense described in ORS 166.370 (3)(g) does not apply.

32 (b) Post a notice on the board's website identifying all school grounds subject to the
33 policy described in subsection (1) of this section.

34 **SECTION 9.** ORS 166.360 is amended to read:

35 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

36 (1) "Capitol building" means the Capitol, the State Office Building, the State Library Building,
37 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or
38 the Public Service Building and includes any new buildings which may be constructed on the same
39 grounds as an addition to the group of buildings listed in this subsection.

40 (2) "Court facility" means a courthouse or that portion of any other building occupied by a
41 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by
42 personnel related to the operations of those courts, or in which activities related to the operations
43 of those courts take place.

44 (3) "Judge" means a judge of a circuit court, the Court of Appeals, the Supreme Court, the
45 Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

1 (4) “Judicial district” means a circuit court district established under ORS 3.012 or a justice of
2 the peace district established under ORS 51.020.

3 (5) “Juvenile court” has the meaning given that term in ORS 419A.004.

4 (6) “Loaded firearm” means:

5 (a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached
6 to the firearm including but not limited to, in a chamber, magazine or clip which is attached to the
7 firearm.

8 (b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot
9 or projectile in the barrel or cylinder.

10 (7) “Local court facility” means the portion of a building in which a justice court, a municipal
11 court, a probate court or a juvenile court conducts business, during the hours in which the court
12 operates.

13 (8) “Probate court” has the meaning given that term in ORS 111.005.

14 (9) “Public building” means:

15 (a) A hospital, a capitol building, a public or private school, as defined in ORS 339.315, a college
16 or university, a city hall or the residence of any state official elected by the state at large, and the
17 grounds adjacent to each such building. The term also includes that portion of any other building
18 occupied by an agency of the state or *[a municipal corporation, as defined]* **by a city, a county, a**
19 **district as defined in ORS 198.010 or any other entity that falls within the definition of**
20 **“municipal corporation”** in ORS 297.405, other than a court facility[.]; **or**

21 **(b) The passenger terminal of a commercial service airport with over one million pas-**
22 **senger boardings per year.**

23 (10) “Weapon” means:

24 (a) A firearm;

25 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife,
26 other than an ordinary pocketknife with a blade less than four inches in length, the use of which
27 could inflict injury upon a person or property;

28 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

29 (d) An electrical stun gun or any similar instrument;

30 (e) A tear gas weapon as defined in ORS 163.211;

31 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
32 similar instrument, the use of which could inflict injury upon a person or property; or

33 (g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

34 **SECTION 10.** ORS 166.370 is amended to read:

35 166.370. (1)(a) Any person who intentionally possesses a loaded or unloaded firearm or any other
36 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
37 guilty of a Class C felony.

38 **(b) Notwithstanding paragraph (a) of this subsection, in a prosecution under this section**
39 **for the possession of a firearm within the Capitol, within the passenger terminal of a com-**
40 **mercial service airport with over one million passenger boardings per year or on school**
41 **grounds subject to a policy described in section 8 of this 2021 Act, if the person proves by a**
42 **preponderance of the evidence that, at the time of the possession, the person was licensed**
43 **under ORS 166.291 and 166.292 to carry a concealed handgun, upon conviction the person is**
44 **guilty of a Class A misdemeanor.**

45 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-

1 tionally possesses:

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

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

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

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

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

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

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

18 (b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation
19 officer is acting within the scope of employment.

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

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

26 (e) An honorably retired law enforcement officer.

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

29 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, **ex-**
30 **cept as provided in subsection (1)(b) of this section.**

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

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

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

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

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

38 **(k) A person who possesses a firearm in the passenger terminal of a commercial service**
39 **airport, if the firearm is unloaded and in a locked hard-sided container for the purposes of**
40 **transporting the firearm as checked baggage in accordance with federal law.**

41 (4)(a) **Except as provided in subsection (1)(b) of this section**, the exceptions listed in sub-
42 section (3)(d) to [(j)] **(k)** of this section constitute affirmative defenses to a charge of violating sub-
43 section (1)(a) of this section.

44 (b) A person may not use the affirmative defense described in subsection (3)(e) of this section
45 if the person has been convicted of an offense that would make the person ineligible to obtain a

1 concealed handgun license under ORS 166.291 and 166.292.

2 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges
3 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-
4 viction be guilty of a Class C felony.

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

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

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

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

11 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
12 166.279.

13 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a
14 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
15 with only one of the offenses.

16 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
17 fined in ORS 161.015.

18 **SECTION 11.** ORS 166.262 is amended to read:

19 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
20 (b) or 166.370 (1)(a) if the person has in the person's immediate possession:

21 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, **unless the per-**
22 **son possesses a firearm within the Capitol, within the passenger terminal of a commercial**
23 **service airport with over one million passenger boardings per year or on school grounds**
24 **subject to a policy described in section 8 of this 2021 Act;**

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

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

29 30 **CONCEALED HANDGUN LICENSE FEES**

31
32 **SECTION 12.** ORS 166.291 is amended to read:

33 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
34 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
35 out in this section, shall issue the person a concealed handgun license if the person:

36 (a)(A) Is a citizen of the United States; or

37 (B) Is a legal resident alien who can document continuous residency in the county for at least
38 six months and has declared in writing to the United States Citizenship and Immigration Services
39 the intent to acquire citizenship status and can present proof of the written declaration to the
40 sheriff at the time of application for the license;

41 (b) Is at least 21 years of age;

42 (c) Is a resident of the county;

43 (d) Has no outstanding warrants for arrest;

44 (e) Is not free on any form of pretrial release;

45 (f) Demonstrates competence with a handgun by any one of the following:

1 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
2 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
3 of the course;

4 (B) Completion of any National Rifle Association firearms safety or training course if handgun
5 safety was a component of the course;

6 (C) Completion of any firearms safety or training course or class available to the general public
7 offered by law enforcement, community college, or private or public institution or organization or
8 firearms training school utilizing instructors certified by the National Rifle Association or a law
9 enforcement agency if handgun safety was a component of the course;

10 (D) Completion of any law enforcement firearms safety or training course or class offered for
11 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
12 cers if handgun safety was a component of the course;

13 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
14 ized shooting competition or military service;

15 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
16 revoked; or

17 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
18 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
19 was a component of the course;

20 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
21 of a felony;

22 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
23 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
24 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

25 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

26 (j) Has not been found to be a person with mental illness and is not subject to an order under
27 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of
28 that mental illness;

29 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
30 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
31 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
32 volving violence, as defined in ORS 166.470;

33 (L) Has not been convicted of an offense involving controlled substances or participated in a
34 court-supervised drug diversion program, except this disability does not operate to exclude a person
35 if:

36 (A) The person can demonstrate that the person has been convicted only once of a marijuana
37 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
38 the offense, and has not completed a drug diversion program for a marijuana possession offense that
39 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

40 (B) The person can demonstrate that the person has only once completed a drug diversion pro-
41 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law
42 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that
43 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

44 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
45 107.700 to 107.735 or 163.738;

1 (n) Has not received a dishonorable discharge from the Armed Forces of the United States;

2 (o) Is not required to register as a sex offender in any state; and

3 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-
4 chasing or possessing a firearm.

5 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
6 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
7 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

8 (3) Before the sheriff may issue a license:

9 (a) The application must state the applicant's legal name, current address and telephone number,
10 date and place of birth, hair and eye color and height and weight. The application must also list the
11 applicant's residence address or addresses for the previous three years. The application must contain
12 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
13 section. The application may include the Social Security number of the applicant if the applicant
14 voluntarily provides this number. The application must be signed by the applicant.

15 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
16 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
17 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
18 records check is necessary, the sheriff shall request the Department of State Police to conduct the
19 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
20 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
21 check and may not keep any record of the fingerprints. The Department of State Police shall report
22 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
23 Police shall also furnish the sheriff with any information about the applicant that the Department
24 of State Police may have in its possession including, but not limited to, manual or computerized
25 criminal offender information.

26 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
27 quest. The forms shall be uniform throughout this state in substantially the following form:

28 _____
29
30 APPLICATION FOR LICENSE TO CARRY
31 CONCEALED HANDGUN

32 Date _____

33 I hereby declare as follows:

34 I am a citizen of the United States or a legal resident alien who can document continuous res-
35 idency in the county for at least six months and have declared in writing to the United States Cit-
36 izenship and Immigration Services my intention to become a citizen and can present proof of the
37 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
38 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
39 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
40 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
41 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
42 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
43 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
44 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
45 volving controlled substances or completed a court-supervised drug diversion program. There are

1 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
2 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
3 person with mental illness and presently subject to an order prohibiting me from purchasing or
4 possessing a firearm because of mental illness. I am not under a court order to participate in as-
5 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a
6 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
7 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
8 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
9 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
10 from the Armed Forces of the United States. I am not required to register as a sex offender in any
11 state. I understand I will be fingerprinted and photographed.

12
13 Legal name _____
14 Age _____ Date of birth _____
15 Place of birth _____
16 Social Security number _____

17 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
18 thorized under ORS 166.291. It will be used only as a means of identification.)

19
20 Proof of identification (Two pieces of current identification are required, one of which must bear a
21 photograph of the applicant. The type of identification and the number on the identification are to
22 be filled in by the sheriff.):

- 23 1. _____
24 2. _____

25
26 Height _____ Weight _____
27 Hair color _____ Eye color _____

28
29 Current address _____

(List residence addresses for the
past three years on the back.)

30
31
32
33 City _____ County _____ Zip _____
34 Phone _____

35
36 I have read the entire text of this application, and the statements therein are correct and true.
37 (Making false statements on this application is a misdemeanor.)

38 _____
39 (Signature of Applicant)

40
41 Character references.

42 _____
43 Name: Address
44 _____
45 Name: Address

1 Approved _____ Disapproved _____ by _____

2
3 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

4 Date _____ Fee Paid _____

5 License No. _____

6 _____

7
8 (5)(a) Fees for concealed handgun licenses are:

9 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

10 (B) [~~\$50~~] **\$100** to the sheriff for the **initial** issuance [*or renewal*] of a concealed handgun license.

11 **(C) \$75 to the sheriff for the renewal of a concealed handgun license.**

12 [~~(C)~~] **(D)** \$15 to the sheriff for the duplication of a license because of loss or change of address.

13 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
14 the concealed handgun license.

15 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
16 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
17 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
18 performance of duties under those sections.

19 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
20 shall enter the applicant’s name into the Law Enforcement Data System indicating that the person
21 is an applicant for a concealed handgun license or is a license holder.

22 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
23 for a resident of a contiguous state who has a compelling business interest or other legitimate
24 demonstrated need.

25 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
26 person:

27 (a) Has a current Oregon driver license issued to the person showing a residence address in the
28 county;

29 (b) Is registered to vote in the county and has a voter notification card issued to the person
30 under ORS 247.181 showing a residence address in the county;

31 (c) Has documentation showing that the person currently leases or owns real property in the
32 county; or

33 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
34 tax year showing a residence address in the county.

35 (10) As used in this section, “drug diversion program” means a program in which a defendant
36 charged with a marijuana possession offense completes a program under court supervision and in
37 which the marijuana possession offense is dismissed upon successful completion of the diversion
38 program.

39 **SECTION 13. The amendments to ORS 166.291 by section 12 of this 2021 Act apply to ap-**
40 **lications for new concealed handgun licenses and requests for license renewal submitted on**
41 **or after the effective date of this 2021 Act.**

42
43 **CAPTIONS**

44
45 **SECTION 14. The unit captions used in this 2021 Act are provided only for the conven-**

1 ience of the reader and do not become part of the statutory law of this state or express any
2 legislative intent in the enactment of this 2021 Act.

3

4

EFFECTIVE DATE

5

6 **SECTION 15. This 2021 Act takes effect on the 91st day after the date on which the 2021**
7 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

8
