

House Bill 2936

Sponsored by Representative MORGAN; Representatives CATE, LEVY B, SMITH DB, WRIGHT, Senators FINDLEY, HANSELL, THATCHER, WEBER (Pre-session 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 **as introduced**.

Repeals requirement to secure firearm in specified circumstances. Repeals requirement to secure firearm prior to transfer. Repeals requirement to report loss or theft of firearm within certain time of loss or theft. Repeals requirement to directly supervise use of firearm by minor after transfer of firearm to minor.

Repeals provisions limiting possession of firearms by concealed handgun licensees in Capitol, certain airport buildings and certain school grounds. Repeals affirmative defense to charge of possessing weapon in public building for person possessing firearm in airport in accordance with federal law.

Reduces fees payable to county sheriff for issuance and renewal of concealed handgun license.

A BILL FOR AN ACT

1
2 Relating to firearms; amending ORS 166.262, 166.291, 166.360 and 166.370; and repealing ORS 166.377,
3 166.390, 166.392, 166.395, 166.397, 166.400, 166.403 and 166.405.

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

5 **SECTION 1. ORS 166.377, 166.390, 166.392, 166.395, 166.397, 166.400, 166.403 and 166.405 are**
6 **repealed.**

7 **SECTION 2.** ORS 166.360 is amended to read:

8 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

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

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

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

19 (4) "Judicial district" means a circuit court district established under ORS 3.012 or a justice of
20 the peace district established under ORS 51.020.

21 (5) "Juvenile court" has the meaning given that term in ORS 419A.004.

22 (6) "Loaded firearm" means:

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

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

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 (7) "Local court facility" means the portion of a building in which a justice court, a municipal
 2 court, a probate court or a juvenile court conducts business, during the hours in which the court
 3 operates.

4 (8) "Probate court" has the meaning given that term in ORS 111.005.

5 (9) "Public building" means[:]

6 [(a)] a hospital, a capitol building, a public or private school, as defined in ORS 339.315, a col-
 7 lege or university, a city hall or the residence of any state official elected by the state at large, and
 8 the grounds adjacent to each such building. The term also includes that portion of any other build-
 9 ing occupied by an agency of the state or [by a city, a county, a district as defined in ORS 198.010
 10 or any other entity that falls within the definition of "municipal corporation"] **a municipal corpo-**
 11 **ration, as defined** in ORS 297.405, other than a court facility[; or]

12 [(b) *The passenger terminal of a commercial service airport with over one million passenger*
 13 *boardings per year*].

14 (10) "Weapon" means:

15 (a) A firearm;

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

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

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

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

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

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

25 **SECTION 3.** ORS 166.370 is amended to read:

26 166.370. [(1)(a)] (1) Any person who intentionally possesses a loaded or unloaded firearm or any
 27 other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction
 28 be guilty of a Class C felony.

29 [(b) *Notwithstanding paragraph (a) of this subsection, in a prosecution under this section for the*
 30 *possession of a firearm within the Capitol, within the passenger terminal of a commercial service air-*
 31 *port with over one million passenger boardings per year or on school grounds subject to a policy de-*
 32 *scribed in ORS 166.377, if the person proves by a preponderance of the evidence that, at the time of the*
 33 *possession, the person was licensed under ORS 166.291 and 166.292 to carry a concealed handgun,*
 34 *upon conviction the person is guilty of a Class A misdemeanor.*]

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

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

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

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

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

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

6 (3) Subsection [(1)(a)] (1) of this section does not apply to:

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

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

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

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

16 (e) An honorably retired law enforcement officer.

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

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

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

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

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

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

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

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

31 (4)(a) [*Except as provided in subsection (1)(b) of this section,*] The exceptions listed in subsection
32 (3)(d) to [(k)] (j) of this section constitute affirmative defenses to a charge of violating subsection
33 [(1)(a)] (1) of this section.

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

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

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

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

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

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

1 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
2 166.279.

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

6 (8) As used in this section, “dangerous weapon” means a dangerous weapon as that term is de-
7 fined in ORS 161.015.

8 **SECTION 4.** ORS 166.262 is amended to read:

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

11 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292[, *unless the person*
12 *possesses a firearm within the Capitol, within the passenger terminal of a commercial service airport*
13 *with over one million passenger boardings per year or on school grounds subject to a policy described*
14 *in ORS 166.377];*

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

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

19 **SECTION 5.** ORS 166.291, as amended by section 5, chapter 97, Oregon Laws 2022, is amended
20 to read:

21 166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed
22 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
23 out in this section, shall issue the person a concealed handgun license if the person:

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

25 (B) Is a legal resident noncitizen who can document continuous residency in the county for at
26 least six months and has declared in writing to the United States Citizenship and Immigration Ser-
27 vices the intent to acquire citizenship status and can present proof of the written declaration to the
28 sheriff at the time of application for the license;

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

30 (c) Is a resident of the county;

31 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

10 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
 11 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
 12 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

32 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
 33 107.700 to 107.735 or 163.738;

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

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

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

38 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
 39 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
 40 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

42 (a) The application must state the applicant's legal name, current address and telephone number,
 43 date and place of birth, hair and eye color and height and weight. The application must also list the
 44 applicant's residence address or addresses for the previous three years. The application must contain
 45 a statement by the applicant that the applicant meets the requirements of subsection (1) of this

1 section. The application may include the Social Security number of the applicant if the applicant
 2 voluntarily provides this number. The application must be signed by the applicant.

3 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
 4 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
 5 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
 6 records check is necessary, the sheriff shall request the Department of State Police to conduct the
 7 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
 8 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
 9 check and may not keep any record of the fingerprints. The Department of State Police shall report
 10 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
 11 Police shall also furnish the sheriff with any information about the applicant that the Department
 12 of State Police may have in its possession including, but not limited to, manual or computerized
 13 criminal offender information.

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

16
 17
 18 APPLICATION FOR LICENSE TO CARRY
 19 CONCEALED HANDGUN

20 Date _____

21 I hereby declare as follows:

22 I am a citizen of the United States or a legal resident noncitizen who can document continuous
 23 residency in the county for at least six months and have declared in writing to the United States
 24 Citizenship and Immigration Services my intention to become a citizen and can present proof of the
 25 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
 26 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
 27 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
 28 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
 29 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
 30 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
 31 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
 32 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
 33 volving controlled substances or completed a court-supervised drug diversion program. There are
 34 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
 35 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
 36 person with mental illness and presently subject to an order prohibiting me from purchasing or
 37 possessing a firearm because of mental illness. I am not under a court order to participate in as-
 38 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a
 39 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
 40 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
 41 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
 42 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
 43 from the Armed Forces of the United States. I am not required to register as a sex offender in any
 44 state. I understand I will be fingerprinted and photographed.

1 Legal name _____
2 Age _____ Date of birth _____
3 Place of birth _____
4 Social Security number _____

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

7
8 Proof of identification (Two pieces of current identification are required, one of which must bear a
9 photograph of the applicant. The type of identification and the number on the identification are to
10 be filled in by the sheriff.):

11 1. _____
12 2. _____

13
14 Height _____ Weight _____
15 Hair color _____ Eye color _____

16
17 Current address _____

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

18
19
20
21 City _____ County _____ Zip _____

22 Phone _____

23
24 I have read the entire text of this application, and the statements therein are correct and true.
25 (Making false statements on this application is a misdemeanor.)

26 _____
27 (Signature of Applicant)

28
29 Character references.

30 _____
31 Name: Address
32 _____

33 Name: Address
34

35 Approved _____ Disapproved _____ by _____

36
37 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

38 Date _____ Fee Paid _____

39 License No. _____
40 _____

41
42 (5)(a) Fees for concealed handgun licenses are:
43 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
44 (B) **[\$100] \$50** to the sheriff for the [initial] issuance **or renewal** of a concealed handgun license.
45 [(C) \$75 to the sheriff for the renewal of a concealed handgun license.]

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

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

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

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

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

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

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

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

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

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

24 (10) As used in this section, "drug diversion program" means a program in which a defendant
25 charged with a marijuana possession offense completes a program under court supervision and in
26 which the marijuana possession offense is dismissed upon successful completion of the diversion
27 program.

28