

**SENATE MINORITY REPORT  
AMENDMENTS TO  
A-ENGROSSED SENATE BILL 243**

By Nonconcurring Members of COMMITTEE ON RULES

May 27

1 On page 1 of the printed A-engrossed bill, line 2, after the second semicolon delete the rest of  
2 the line and delete line 3 and insert “amending ORS 166.250, 166.262, 166.291, 166.360 and 166.370  
3 and sections 36 and 76, chapter 70, Oregon Laws 2024; and repealing ORS 166.377, 166.390, 166.392,  
4 166.395, 166.397, 166.400, 166.403 and 166.405.

5 “Whereas the enactment of proposed legislation prohibiting the possession, manufacture, trans-  
6 port and transfer of certain firearm accessories, and limiting where concealed handgun licensees  
7 may possess firearms, would erode Constitutional protections; and

8 “Whereas a law prohibiting the possession, manufacture, transport and transfer of certain  
9 firearm accessories, and limiting where concealed handgun licensees may possess firearms, will in-  
10 evitably be broken by criminals while simultaneously infringing on law abiding citizens’ ability to  
11 protect themselves and their loved ones; and

12 “Whereas the ruling party continues to push incremental bans that disarm citizens while crimi-  
13 nals ignore laws; and

14 “Whereas concealed handgun license holders are some of the most lawful firearm owners in our  
15 communities; and

16 “Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer  
17 of certain firearm accessories, and limiting where concealed handgun licensees may possess  
18 firearms, targets responsible gun owners and concealed handgun license holders, who undergo  
19 background checks and training, rather than addressing the criminal misuse of firearms; and

20 “Whereas the ruling party passed a concealed handgun license ban at the Capitol and then up-  
21 graded security officers and metal detectors, but local governments will most likely not provide the  
22 same enhanced security measures; and

23 “Whereas the ruling party is perfectly fine disarming law-abiding concealed handgun license  
24 holders but offers zero safety mechanisms for local governments; and

25 “Whereas the right to keep and bear arms is enshrined in the Constitution to protect individual  
26 liberty and self-defense; and

27 “Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer  
28 of certain firearm accessories, and limiting where concealed handgun licensees may possess  
29 firearms, infringes on law-abiding citizens’ rights without clear evidence that it will prevent crime;  
30 and

31 “Whereas banning concealed handgun license holders from carrying in public spaces disarms  
32 those best equipped to respond to threats, leaving citizens defenseless; and

33 “Whereas enabling local bans on concealed handgun license holders increases the risk of mass  
34 casualty events in public spaces; and

1 “Whereas focusing on bump stocks distracts from addressing root causes of gun violence like  
2 mental health or illegal gun trafficking; and

3 “Whereas criminals who are intent on harm will not comply with firearm accessory bans; and

4 “Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer  
5 of certain firearm accessories burdens law-abiding hobbyists and sport shooters who use such de-  
6 vices responsibly; now, therefore,”.

7 Delete lines 5 through 12 and delete pages 2 through 10 and insert:

8  
9 **“REPEAL OF SENATE BILL 554 (2021)**

10  
11 **“SECTION 1. ORS 166.377, 166.390, 166.392, 166.395, 166.397, 166.400, 166.403 and 166.405 are**  
12 **repealed.**

13 **“SECTION 2.** ORS 166.360 is amended to read:

14 “166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

15 “(1) ‘Capitol building’ means the Capitol, the State Office Building, the State Library Building,  
16 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or  
17 the Public Service Building and includes any new buildings which may be constructed on the same  
18 grounds as an addition to the group of buildings listed in this subsection.

19 “(2) ‘Court facility’ means a courthouse or that portion of any other building occupied by a  
20 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by  
21 personnel related to the operations of those courts, or in which activities related to the operations  
22 of those courts take place.

23 “(3) ‘Judge’ means a judge of a circuit court, the Court of Appeals, the Supreme Court, the  
24 Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

25 “(4) ‘Judicial district’ means a circuit court district established under ORS 3.012 or a justice of  
26 the peace district established under ORS 51.020.

27 “(5) ‘Juvenile court’ has the meaning given that term in ORS 419A.004.

28 “(6) ‘Loaded firearm’ means:

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

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

34 “(7) ‘Local court facility’ means the portion of a building in which a justice court, a municipal  
35 court, a probate court or a juvenile court conducts business, during the hours in which the court  
36 operates.

37 “(8) ‘Probate court’ has the meaning given that term in ORS 111.005.

38 “(9) ‘Public building’ means[:]

39 “[*a*] a hospital, a capitol building, a public or private school, as defined in ORS 339.315, a  
40 college or university, a city hall or the residence of any state official elected by the state at large,  
41 and the grounds adjacent to each such building. The term also includes that portion of any other  
42 building occupied by an agency of the state or [*by a city, a county, a district as defined in ORS*  
43 *198.010 or any other entity that falls within the definition of ‘municipal corporation’*] **a municipal**  
44 **corporation, as defined** in ORS 297.405, other than a court facility[: or]

45 “[*b*] *The passenger terminal of a commercial service airport with over one million passenger*

1 boardings per year].

2 “(10) ‘Weapon’ means:

3 “(a) A firearm;

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

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

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

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

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

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

13 “**SECTION 3.** ORS 166.370 is amended to read:

14 “166.370. [(1)(a)] (1) Any person who intentionally possesses a loaded or unloaded firearm or any  
15 other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction  
16 be guilty of a Class C felony.

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

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

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

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

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

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

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

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

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

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

43 “(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections  
44 officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer  
45 or corrections officer is acting within the scope of employment.

1 “(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection  
2 to assist in making an arrest or preserving the peace, while the summoned person is engaged in  
3 assisting the officer.

4 “(e) An honorably retired law enforcement officer.

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

7 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun[,  
8 *except as provided in subsection (1)(b) of this section*].

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

11 “(i) An employee of the United States Department of Agriculture, acting within the scope of  
12 employment, who possesses a firearm in the course of the lawful taking of wildlife.

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

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

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

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

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

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

25 “(5)(a) Any person who knowingly, or with reckless disregard for the safety of another, dis-  
26 charges or attempts to discharge a firearm at a place that the person knows is a school shall upon  
27 conviction be guilty of a Class C felony.

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

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

31 “(B) By a law enforcement officer acting in the officer’s official capacity; or

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

34 “(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
35 166.279.

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

39 “(8) As used in this section, ‘dangerous weapon’ means a dangerous weapon as that term is de-  
40 fined in ORS 161.015.

41 “**SECTION 4.** ORS 166.262 is amended to read:

42 “166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or  
43 (b) or 166.370 [(1)(a)] (1) if the person has in the person’s immediate possession:

44 “(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292[, *unless the person*  
45 *possesses a firearm within the Capitol, within the passenger terminal of a commercial service airport*

1 with over one million passenger boardings per year or on school grounds subject to a policy described  
2 in ORS 166.377];

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

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

7 “**SECTION 5.** ORS 166.291 is amended to read:

8 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed  
9 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
10 out in this section, shall issue the person a concealed handgun license if the person:

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

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

16 “(b) Is at least 21 years of age;

17 “(c) Is a resident of the county;

18 “(d) Has no outstanding warrants for arrest;

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

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

21 “(A) Completion of any hunter education or hunter safety course approved by the State De-  
22 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-  
23 nent of the course;

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

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

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

33 “(E) Presents evidence of equivalent experience with a handgun through participation in or-  
34 ganized shooting competition or military service;

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

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

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

42 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
43 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor  
44 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

11 “(A) The person can demonstrate that the person has been convicted only once of a marijuana  
12 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of  
13 the offense, and has not completed a drug diversion program for a marijuana possession offense that  
14 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

15 “(B) The person can demonstrate that the person has only once completed a drug diversion  
16 program for a marijuana possession offense that constituted a misdemeanor or violation under the  
17 law of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense  
18 that constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

19 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
20 107.700 to 107.735 or 163.738;

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

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

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

25 “(2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.  
26 925(c) or has had the person’s record expunged under the laws of this state or equivalent laws of  
27 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

28 “(3) Before the sheriff may issue a license:

29 “(a) The application must state the applicant’s legal name, current address and telephone num-  
30 ber, date and place of birth, hair and eye color and height and weight. The application must also list  
31 the applicant’s residence address or addresses for the previous three years. The application must  
32 contain a statement by the applicant that the applicant meets the requirements of subsection (1) of  
33 this section. The application may include the Social Security number of the applicant if the applicant  
34 voluntarily provides this number. The application must be signed by the applicant.

35 “(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
36 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
37 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
38 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
39 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
40 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
41 check and may not keep any record of the fingerprints. The Department of State Police shall report  
42 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
43 Police shall also furnish the sheriff with any information about the applicant that the Department  
44 of State Police may have in its possession including, but not limited to, manual or computerized  
45 criminal offender information.

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

3 “ \_\_\_\_\_

4  
5 APPLICATION FOR LICENSE TO CARRY  
6 CONCEALED HANDGUN

7 Date \_\_\_\_\_

8 I hereby declare as follows:

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

32  
33 Legal name \_\_\_\_\_  
34 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
35 Place of birth \_\_\_\_\_  
36 Social Security number \_\_\_\_\_

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

39  
40 Proof of identification (Two pieces of current identification are required, one of which must bear a  
41 photograph of the applicant. The type of identification and the number on the identification are to  
42 be filled in by the sheriff.):

- 43 1. \_\_\_\_\_  
44 2. \_\_\_\_\_  
45

1 Height \_\_\_\_\_ Weight \_\_\_\_\_  
2 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

3  
4 Current address \_\_\_\_\_

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

5  
6  
7  
8 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
9 Phone \_\_\_\_\_

10  
11 I have read the entire text of this application, and the statements therein are correct and true.  
12 (Making false statements on this application is a misdemeanor.)

13 \_\_\_\_\_  
14 (Signature of Applicant)

15  
16 Character references.

17 \_\_\_\_\_  
18 Name: Address

19 \_\_\_\_\_  
20 Name: Address

21  
22 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

23  
24 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

25 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

26 License No. \_\_\_\_\_

27 “ \_\_\_\_\_

28  
29 “(5)(a) Fees for concealed handgun licenses are:

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

31 “(B) [*\$100*] **\$50** to the sheriff for the [*initial*] issuance **or renewal** of a concealed handgun li-  
32 cense.

33 “[*(C)*] *\$75 to the sheriff for the renewal of a concealed handgun license.*]

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

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

37 “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative  
38 engaged in the receipt and review of, or an investigation connected with, any application for, or in  
39 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the  
40 lawful performance of duties under those sections.

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

44 “(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section  
45 for a resident of a contiguous state who has a compelling business interest or other legitimate



1 demonstrated need.

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

4 “(a) Has a current Oregon driver license issued to the person showing a residence address in  
5 the county;

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

8 “(c) Has documentation showing that the person currently leases or owns real property in the  
9 county; or

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

12 “(10) As used in this section, ‘drug diversion program’ means a program in which a defendant  
13 charged with a marijuana possession offense completes a program under court supervision and in  
14 which the marijuana possession offense is dismissed upon successful completion of the diversion  
15 program.

16  
17 **“POSSESSION OF FIREARMS BY PERSONS CHARGED WITH DRUG POSSESSION**

18  
19 **“SECTION 6. (1) It is unlawful for a person to knowingly possess a firearm if the person**  
20 **is the subject of a court order prohibiting the person from possessing firearms under sub-**  
21 **section (2)(a) of this section.**

22 **“(2)(a) At a first appearance on a disqualifying drug offense, the court shall enter an**  
23 **order prohibiting the person from possessing firearms as follows:**

24 **“(A) Except as provided in subparagraph (B) of this paragraph, the court shall enter a**  
25 **written order prohibiting the person from possessing firearms until the person demonstrates,**  
26 **and the court finds by a preponderance of the evidence, that the person has completed a**  
27 **substance use disorder assessment or screening, and any course of treatment recommended**  
28 **by the assessment or screening.**

29 **“(B) For a disqualifying drug offense for which prosecution is commenced after a court**  
30 **order described in subparagraph (A) of this paragraph has been terminated under subsection**  
31 **(6)(a)(A) of this section, the court shall enter a written order prohibiting the person from**  
32 **possessing firearms until the person is able to demonstrate and the court finds, by a pre-**  
33 **ponderance of the evidence, that the person has abstained from using controlled substances**  
34 **for a period of one year.**

35 **“(b) Upon entering an order described in paragraph (a) of this subsection, the court shall**  
36 **additionally order in writing that the person:**

37 **“(A) Transfer all firearms in the person’s possession in accordance with subsection (3)**  
38 **of this section; and**

39 **“(B) File a declaration as described in subsection (4) of this section.**

40 **“(c) The court shall ensure that the court order described in paragraph (a) of this sub-**  
41 **section is entered into the Law Enforcement Data System and any other state and national**  
42 **databases necessary to ensure the enforcement of the court’s order.**

43 **“(3)(a) Within 24 hours of becoming subject to the court orders described in subsection**  
44 **(2) of this section, the person shall transfer all firearms in the person’s possession to a local**  
45 **law enforcement agency, to a gun dealer as defined in ORS 166.412 or to a third party who**

1 does not reside with the person, and shall obtain a proof of transfer under paragraph (b) of  
2 this subsection. A transfer to a third party under this subsection must be in accordance  
3 with ORS 166.435, except that the criminal background check exceptions in ORS 166.435 (4)  
4 do not apply.

5 “(b) A law enforcement agency, gun dealer or third party receiving a firearm pursuant  
6 to this subsection shall issue to the person a written proof of transfer. The proof of transfer  
7 must include the person’s name, the date of transfer and the serial number, make and model  
8 of each transferred firearm. A proof of transfer issued by a third party must also include the  
9 unique approval number from the Department of State Police from the criminal background  
10 check conducted under ORS 166.435.

11 “(c) A person transferring a firearm to a third party under this subsection shall addi-  
12 tionally obtain from the third party a declaration under penalty of perjury confirming receipt  
13 of the firearm and attesting that:

14 “(A) The third party understands that the person is prohibited from possessing firearms;  
15 and

16 “(B) The third party is subject to criminal penalties if the third party allows the person  
17 access to the firearm during the prohibition.

18 “(d) A law enforcement agency may accept a firearm transferred under this section.

19 “(e) A gun dealer may purchase or may accept for storage a firearm transferred under  
20 this section.

21 “(4)(a) Within two judicial days of becoming subject to the court orders described in  
22 subsection (2) of this section, the person shall file with the court a declaration under penalty  
23 of perjury attesting that:

24 “(A) All firearms in the person’s possession have been transferred under subsection (3)  
25 of this section to:

26 “(i) A law enforcement agency;

27 “(ii) A gun dealer; or

28 “(iii) A third party;

29 “(B) The person was not in possession of any firearms at the time of the court’s order  
30 and continues to not possess any firearms; or

31 “(C) The person is asserting the person’s constitutional right against self-incrimination.

32 “(b) The person shall file with the declaration a copy of the proof of transfer, if applica-  
33 ble, and a copy of the third party declaration, if applicable.

34 “(c) The person shall concurrently file with the district attorney copies of the declara-  
35 tion, proof of transfer and third party declaration filed with the court.

36 “(d) If the person does not file a declaration described in paragraph (a) of this subsection,  
37 the district attorney may commence contempt proceedings under ORS 33.015 to 33.155.

38 “(5) A person in possession of a firearm in violation of a court order described in sub-  
39 section (2)(a) of this section may not be prosecuted under ORS 166.250 or for contempt of  
40 court if:

41 “(a) The person is in possession of a copy of the court order, and the order went into  
42 effect or was issued within the previous 24 hours;

43 “(b) The firearm is unloaded; and

44 “(c) The person is transporting the firearm to a law enforcement agency, gun dealer or  
45 third party for transfer in accordance with subsection (3) of this section.

1       “(6)(a) The court shall terminate the order described in subsection (2)(a) of this section  
2 as follows:

3       “(A) For a court order described in subsection (2)(a)(A) of this section, the court shall  
4 terminate the order upon a finding, by a preponderance of the evidence, that the person has  
5 completed a substance use disorder assessment or screening, and any course of treatment  
6 recommended by the assessment or screening.

7       “(B) For a court order described in subsection (2)(a)(B) of this section, the court shall  
8 terminate the order upon a finding, by a preponderance of the evidence, that the person has  
9 abstained from using controlled substances for a period of one year.

10       “(b) The court may base a finding described in paragraph (a)(B) of this subsection on  
11 documentation from a health care professional or treatment counselor with personal knowl-  
12 edge of the person’s use of controlled substances.

13       “(c) The court shall ensure that the termination of the court order is entered into the  
14 Law Enforcement Data System and any other state and national databases.

15       “(d) Upon the termination, and at the request of the person:

16       “(A) A law enforcement agency shall return any stored firearms to the person in ac-  
17 cordance with subsection (7) of this section.

18       “(B) A gun dealer shall return any stored firearms to the person after performing a  
19 criminal background check as defined in ORS 166.432 to confirm that the person is not pro-  
20 hibited from possessing a firearm under state or federal law.

21       “(C) A third party shall return any stored firearms to the person only after requesting  
22 a criminal background check in accordance with ORS 166.435, except that the criminal  
23 background check exceptions in ORS 166.435 (4) do not apply.

24       “(7)(a) Upon receiving a request to return a firearm relinquished to a law enforcement  
25 agency pursuant to subsection (3) of this section, the law enforcement agency shall hold the  
26 firearm for 72 hours after receiving the request.

27       “(b) Prior to returning the firearm, the law enforcement agency shall:

28       “(A) Confirm that the person to whom the law enforcement agency will return the  
29 firearm is the lawful owner of the firearm, or a person with a possessory right to the  
30 firearm; and

31       “(B) Perform a criminal background check as defined in ORS 166.432 to confirm that the  
32 person is not prohibited from possessing a firearm under state or federal law.

33       “(8) As used in this section, ‘disqualifying drug offense’ means:

34       “(a) Unlawful possession of a controlled substance constituting a drug enforcement  
35 misdemeanor as described in section 35, chapter 70, Oregon Laws 2024; or

36       “(b) Unlawful possession of a controlled substance constituting a Class A misdemeanor  
37 under ORS 475.752 (7)(a) or (8), 475.814 (2)(b), 475.824 (2)(b), 475.834 (2)(b), 475.854 (2)(b),  
38 475.874 (2)(b), 475.884 (2)(b) or 475.894 (2)(b).

39       “SECTION 7. Section 36, chapter 70, Oregon Laws 2024, is amended to read:

40       “**Sec. 36.** (1) Law enforcement agencies in this state are encouraged to, in lieu of citation or  
41 arrest, or after citation or arrest but before referral to the district attorney, refer a person to a  
42 deflection program when the person is suspected of committing, or has been cited or arrested for,  
43 unlawful possession of a controlled substance constituting a drug enforcement misdemeanor under  
44 section 35 [of this 2024 Act], **chapter 70, Oregon Laws 2024.**

45       “(2) District attorneys in this state are encouraged to divert for assessment, treatment and other

1 services, in lieu of conviction, cases involving unlawful possession of a controlled substance consti-  
2 tuting a drug enforcement misdemeanor under section 35 [of this 2024 Act], **chapter 70, Oregon**  
3 **Laws 2024.**

4 “(3) If a deflection program is established, the program coordinator shall be responsible for  
5 providing notification that a person has completed the program to those entities responsible for  
6 sealing records under section 54 [of this 2024 Act], **chapter 70, Oregon Laws 2024**, including but  
7 not limited to law enforcement agencies, district attorneys and courts.

8 “(4) **If a deflection program is established in which a participant is able to enter and**  
9 **complete the program without making a court appearance on a charge, the program must**  
10 **have a requirement that each participant, as a condition of participation, agree to not pos-**  
11 **sess firearms for the duration of the program, and to lawfully transfer all firearms in the**  
12 **participant’s possession to a law enforcement agency, a gun dealer or a third party until the**  
13 **program is completed.**

14 “[4] (5) As used in this section, ‘deflection program’ has the meaning given that term in section  
15 37 [of this 2024 Act], **chapter 70, Oregon Laws 2024.**

16 “**SECTION 8.** Section 76, chapter 70, Oregon Laws 2024, is amended to read:

17 “**Sec. 76.** (1) As used in this section, ‘deflection program’ means a collaborative program be-  
18 tween law enforcement agencies and behavioral health entities that assists individuals who may  
19 have substance use disorder, another behavioral health disorder or co-occurring disorders, to create  
20 community-based pathways to treatment, recovery support services, housing, case management or  
21 other services.

22 “(2) The Oregon Behavioral Health Deflection Program is established within the Improving  
23 People’s Access to Community-based Treatment, Supports and Services Grant Review Committee  
24 established under ORS 430.234. The program consists of grants awarded by the committee to coun-  
25 ties and federally recognized tribal governments to fund deflection programs.

26 “(3)(a) The purpose of the program described in this section is to:

27 “(A) Address the need for more deflection programs to assist individuals whose behavioral  
28 health conditions, including substance use disorder, lead to interactions with law enforcement,  
29 incarceration, conviction and other engagement with the criminal justice system.

30 “(B) Track and report data concerning deflection program outcomes in order to determine the  
31 best practices for deflection programs within this state.

32 “(b) ORS 430.230 to 430.236 do not apply to the program described in this section.

33 “(4)(a) The committee shall develop a grant application process for awarding grants under this  
34 section.

35 “(b) An application for a grant under this section may be submitted by a county or the designee  
36 of a county, or by a tribal government or designee of a tribal government. Only one application per  
37 county may be submitted, but the application may request funding multiple programs within a  
38 county.

39 “(c) Prior to submitting an application for a grant under this section, the applicant shall coor-  
40 dinate with all partners of the development and administration of the proposed deflection program  
41 to ensure that the partners have the resources necessary to implement the deflection program. The  
42 partners shall include at least a district attorney, a law enforcement agency, a community mental  
43 health program established under ORS 430.620 and a provider from a Behavioral Health Resource  
44 Network established under ORS 430.389. Partners may also include a treatment provider, a local  
45 mental health authority, a tribal government, a peer support organization, a court or a local gov-

1 ernment body.

2 “(d) An application for a grant under this section must contain:

3 “(A) A description of the coordination with program partners required by paragraph (c) of this  
4 subsection that has occurred;

5 “(B) A description of the individuals who would be eligible for the program and what qualifies  
6 as a successful outcome, formulated in cooperation with the program partners described in para-  
7 graph (c) of this subsection;

8 “(C) A description of how the program for which the applicant is seeking funding is culturally  
9 and linguistically responsive, trauma-informed and evidence-based;

10 “(D) A description of a plan to address language access barriers when communicating program  
11 referral options and program procedures to non-English speaking individuals; and

12 “(E) A description of how the program coordinator will communicate with program partners  
13 concerning persons participating in the program and any other matter necessary for the adminis-  
14 tration of the program.

15 “(5) To be eligible for funding under this section, a deflection program:

16 “(a) Must be coordinated by or in consultation with a community mental health program, a local  
17 mental health authority or a federally recognized tribal government;

18 “(b) Must have a coordinator with the following program coordinator duties:

19 “(A) Convening deflection program partners as needed for the operation of the program;

20 “(B) Managing grant program funds awarded under this section; and

21 “(C) Tracking and reporting data required by the Oregon Criminal Justice Commission under  
22 section 37 [of this 2024 Act], **chapter 70, Oregon Laws 2024**;

23 “(c) Must involve the partners described in subsection (4)(c) of this section; [and]

24 “(d) May involve a partnership with one or more of the following entities:

25 “(A) A first responder agency other than a law enforcement agency;

26 “(B) A community provider;

27 “(C) A treatment provider;

28 “(D) A community-based organization;

29 “(E) A case management provider;

30 “(F) A recovery support services provider; or

31 “(G) Any other individual or entity deemed necessary by the program coordinator to carry out  
32 the purposes of the deflection program, including individuals with lived experience with substance  
33 use disorder, a behavioral health disorder or co-occurring disorders[.]; **and**

34 “(e) **Must have, if a participant is able to enter and complete the program without mak-**  
35 **ing a court appearance on a charge, a requirement that each participant, as a condition of**  
36 **participation, agree to not possess firearms for the duration of the program, and to lawfully**  
37 **transfer all firearms in the participant’s possession or control to a law enforcement agency,**  
38 **a gun dealer or a third party until the program is completed.**

39 “(6) During a grant application period established by the committee, the maximum proportion  
40 of grant funds available to an applicant shall be determined as follows:

41 “(a) The proportion of grant funds available to an applicant other than a tribal government shall  
42 be determined based on the county formula share employed by the Oversight and Accountability  
43 Council established under ORS 430.388, but an applicant may not receive less than \$150,000.

44 “(b) The committee shall determine the proportion of funds available to an applicant that is a  
45 federally recognized tribal government.

1 “(7)(a) Grant funds awarded under this section may be used for:

2 “(A) Deflection program expenses including but not limited to law enforcement employees, dep-

3 uty district attorneys and behavioral health treatment workers, including peer navigators and mo-

4 bile crisis and support services workers.

5 “(B) Behavioral health workforce development.

6 “(C) Capital construction of behavioral health treatment infrastructure.

7 “(b) Notwithstanding paragraph (a) of this subsection, the committee may award planning grants

8 for the development of deflection programs.

9 “(c) The committee may allocate up to three percent of program funds to support grantee data

10 collection and analysis or evaluation of outcome measures.

11 “(8) The Oregon Criminal Justice Commission shall provide staff support to the grant program.

12 “(9) The committee and the commission may adopt rules to carry out the provisions of this

13 section.

14 “**SECTION 9.** ORS 166.250 is amended to read:

15 “166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,

16 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession

17 of a firearm if the person knowingly:

18 “(a) Carries any firearm concealed upon the person;

19 “(b) Possesses a handgun that is concealed and readily accessible to the person within any ve-

20 hicle;

21 “(c) Possesses a firearm and:

22 “(A) Is under 18 years of age;

23 “(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having

24 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-

25 volving violence, as defined in ORS 166.470; and

26 “(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being

27 charged under this section;

28 “(C) Has been convicted of a felony;

29 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

30 “(E) Was found to be a person with mental illness and subject to an order under ORS 426.130

31 that the person be prohibited from purchasing or possessing a firearm as a result of that mental

32 illness;

33 “(F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing

34 or possessing a firearm;

35 “(G) Has been found guilty except for insanity under ORS 161.295 of a felony; or

36 “(H) The possession of the firearm by the person is prohibited under ORS 166.255 **or section 6**

37 **(1) of this 2025 Act;** or

38 “(d) Possesses an unfinished frame or receiver and is prohibited from possessing firearms under

39 paragraph (c) of this subsection.

40 “(2) This section does not prohibit:

41 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-

42 sessed a firearm:

43 “(A) Other than a handgun, if the firearm was transferred to the minor by the minor’s parent

44 or guardian or by another person with the consent of the minor’s parent or guardian; or

45 “(B) Temporarily for hunting, target practice or any other lawful purpose; or

1 “(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
2 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
3 and subsection (1) of this section, from owning, possessing or keeping within the person’s place of  
4 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
5 keep any such firearm at the person’s place of residence or place of business is required of any such  
6 citizen. As used in this subsection, ‘residence’ includes a recreational vessel or recreational vehicle  
7 while used, for whatever period of time, as residential quarters.

8 “(3) Firearms carried openly in belt holsters are not concealed within the meaning of this sec-  
9 tion.

10 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-  
11 cessible within the meaning of this section if the handgun is within the passenger compartment of  
12 the vehicle.

13 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no  
14 storage location that is outside the passenger compartment of the vehicle, a handgun is not readily  
15 accessible within the meaning of this section if:

16 “(A) The handgun is stored in a closed and locked glove compartment, center console or other  
17 container; and

18 “(B) The key is not inserted into the lock, if the glove compartment, center console or other  
19 container unlocks with a key.

20 “(c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not  
21 readily accessible within the meaning of this section if:

22 “(A) The handgun is in a locked container within or affixed to the vehicle; or

23 “(B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the  
24 discharge of the firearm.

25 “(5) Unlawful possession of a firearm is a Class A misdemeanor.

26  
27 **“CAPTIONS**

28  
29 **“SECTION 10. The unit captions used in this 2025 Act are provided only for the conven-**  
30 **ience of the reader and do not become part of the statutory law of this state or express any**  
31 **legislative intent in the enactment of this 2025 Act.”.**

32 /s/ Daniel Bonham  
33 Senator

34 /s/ Kim Thatcher  
35 Senator  
36 \_\_\_\_\_