

SB 243-1
(LC 3066)
3/25/25 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY (at the request of Senator Floyd Prozanski)

**PROPOSED AMENDMENTS TO
SENATE BILL 243**

1 In line 2 of the printed bill, after “firearms” insert “; creating new pro-
2 visions; amending ORS 166.250, 166.260, 166.262, 166.360, 166.370, 166.377,
3 166.412 and 166.470; and prescribing an effective date”.

4 Delete lines 4 through 9 and insert:
5

6 **“DEALER PURCHASE WAITING PERIOD**
7

8 **“SECTION 1.** ORS 166.412 is amended to read:

9 “166.412. (1) As used in this section:

10 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;

11 “(b) ‘Department’ means the Department of State Police;

12 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except
13 that it does not include an antique firearm;

14 “(d) ‘Firearms transaction record’ means the firearms transaction record
15 required by 18 U.S.C. 921 to 929;

16 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the
17 department under subsection (11) of this section;

18 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
19 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
20 the person is a retail dealer, pawnbroker or otherwise;

21 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a

1 firearm or unfinished frame or receiver from a gun dealer; and

2 “(h) ‘Unfinished frame or receiver’ has the meaning given that term in
3 ORS 166.210.

4 “(2) Except as provided in subsection (12) of this section, a gun dealer
5 shall comply with the following before a firearm or unfinished frame or re-
6 ceiver is delivered to a purchaser:

7 “(a) The purchaser shall present to the gun dealer current identification
8 meeting the requirements of subsection (4) of this section and a valid permit
9 issued under ORS 166.505.

10 “(b) The gun dealer shall complete the firearms transaction record and
11 obtain the signature of the purchaser on the record.

12 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the
13 firearms transaction thumbprint form and attach the form to the gun dealer’s
14 copy of the firearms transaction record to be filed with that copy.

15 “(d) The gun dealer shall, by telephone or computer, verify that the pur-
16 chaser has a valid [*permit-to-purchase*] **permit to purchase** a firearm issued
17 under ORS 166.505, and request that the department conduct a criminal his-
18 tory record check on the purchaser and shall provide the following informa-
19 tion to the department:

20 “(A) The federal firearms license number of the gun dealer;

21 “(B) The business name of the gun dealer;

22 “(C) The place of transfer;

23 “(D) The name of the person making the transfer;

24 “(E) The make, model, caliber and manufacturer’s number of the firearm
25 being transferred or a description of the unfinished frame or receiver being
26 transferred;

27 “(F) The name and date of birth of the purchaser;

28 “(G) The Social Security number of the purchaser if the purchaser vol-
29 untarily provides this number to the gun dealer; and

30 “(H) The type, issuer and identification number of the identification pre-

1 sented by the purchaser.

2 “(e) The gun dealer shall receive a unique approval number for the
3 transfer from the department and record the approval number on the firearms
4 transaction record and on the firearms transaction thumbprint form.

5 “(f) The gun dealer may destroy the firearms transaction thumbprint form
6 five years after the completion of the firearms transaction thumbprint form.

7 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
8 record check, the department shall immediately, during the gun dealer’s
9 telephone call or by return call:

10 “(A) Determine, from criminal records and other information available to
11 it, whether the purchaser is disqualified under ORS 166.470 from completing
12 the purchase; and

13 “(B) Notify the gun dealer when a purchaser is disqualified from com-
14 pleting the transfer or provide the gun dealer with a unique approval number
15 indicating that the purchaser is qualified to complete the transfer.

16 “(b) If the department is unable to determine **within 30 minutes** if the
17 purchaser is qualified or disqualified from completing the transfer [*within*
18 *30 minutes*], the department shall notify the gun dealer and provide the gun
19 dealer with an estimate of the time when the department will provide the
20 requested information.

21 “(c) The **gun** dealer may not transfer the firearm or unfinished frame or
22 receiver unless [*the dealer receives a unique approval number from the de-*
23 *partment and,*]:

24 “(A) **At least 72 hours have elapsed from the time at which the gun**
25 **dealer requested the criminal background check; and**

26 “(B) **The gun dealer has received a unique approval number from**
27 **the department indicating that the purchaser is qualified to complete**
28 **the transfer.**

29 “(d) Within 48 hours of completing the transfer, the **gun** dealer shall
30 notify the [*state*] **department** that the transfer to the permit holder was

1 completed.

2 “(4)(a) Identification required of the purchaser under subsection (2) of this
3 section shall include one piece of current identification bearing a photograph
4 and the date of birth of the purchaser that:

5 “(A) Is issued under the authority of the United States Government, a
6 state, a political subdivision of a state, a foreign government, a political
7 subdivision of a foreign government, an international governmental organ-
8 ization or an international quasi-governmental organization; and

9 “(B) Is intended to be used for identification of an individual or is com-
10 monly accepted for the purpose of identification of an individual.

11 “(b) If the identification presented by the purchaser under paragraph (a)
12 of this subsection does not include the current address of the purchaser, the
13 purchaser shall present a second piece of current identification that contains
14 the current address of the purchaser. The Superintendent of State Police may
15 specify by rule the type of identification that may be presented under this
16 paragraph.

17 “(c) The department may require that the gun dealer verify the identifi-
18 cation of the purchaser if that identity is in question by sending the
19 thumbprints of the purchaser to the department.

20 “(5) The department shall establish a telephone number that shall be op-
21 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
22 purpose of responding to inquiries from gun dealers for a criminal history
23 record check under this section.

24 “(6) No public employee, official or agency shall be held criminally or
25 civilly liable for performing the investigations required by this section pro-
26 vided the employee, official or agency acts in good faith and without malice.

27 “(7)(a) The department may retain a record of the information obtained
28 during a request for a criminal history record check for no more than five
29 years, except for the information provided to the **gun** dealer under sub-
30 section (2)(d) of this section, sufficient to reflect each firearm or unfinished

1 frame or receiver purchased by a permit holder, which must be attached to
2 the electronic record of the permit stored by the department. The department
3 may develop a system for removal of the information in subsection (2)(d)(E)
4 of this section, upon proof of sale or transfer of the firearm or unfinished
5 frame or receiver to another permit holder and for recording of the infor-
6 mation to reflect the transfer of ownership to the permit of the new owner.

7 “(b) The record of the information obtained during a request for a crimi-
8 nal history record check by a gun dealer is exempt from disclosure under
9 public records law.

10 “(c) If the department determines that a purchaser is prohibited from
11 possessing a firearm under ORS 166.250 (1)(c), the department shall report
12 the attempted transfer, the purchaser’s name and any other personally iden-
13 tifiable information to all federal, state and local law enforcement agencies
14 and district attorneys that have jurisdiction over the location or locations
15 where the attempted transfer was made and where the purchaser resides.

16 “(d) If the department determines that, based on the judgment of con-
17 viction, the purchaser is prohibited from possessing a firearm as a condition
18 of probation or that the purchaser is currently on post-prison supervision or
19 parole, the department shall report the attempted transfer to the purchaser’s
20 supervising officer and the district attorney of the county in which the con-
21 viction occurred.

22 “(e) If the department determines that the purchaser is prohibited from
23 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
24 department shall report the attempted transfer to the court that issued the
25 order.

26 “(f) If the department determines that the purchaser is under the juris-
27 diction of the Psychiatric Security Review Board, the department shall re-
28 port the attempted transfer to the board.

29 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
30 made within 24 hours after the determination is made, unless a report would

1 compromise an ongoing investigation, in which case the report may be de-
2 layed as long as necessary to avoid compromising the investigation.

3 “(h) On or before January 31 of each year, a law enforcement agency or
4 a prosecuting attorney’s office that received a report pursuant to paragraph
5 (c) of this subsection during the previous calendar year shall inform the de-
6 partment of any action that was taken concerning the report and the out-
7 come of the action.

8 “(i) The department shall annually publish a written report, based on any
9 information received under paragraph (h) of this subsection, detailing the
10 following information for the previous year:

11 “(A) The number of purchasers whom the department determined were
12 prohibited from possessing a firearm under ORS 166.250 (1)(c), arranged by
13 category of prohibition;

14 “(B) The number of reports made pursuant to paragraph (c) of this sub-
15 section;

16 “(C) The number of investigations arising from the reports made pursuant
17 to paragraph (c) of this subsection, the number of investigations concluded
18 and the number of investigations referred for prosecution, all arranged by
19 category of prohibition; and

20 “(D) The number of criminal charges arising from the reports made pur-
21 suant to paragraph (c) of this subsection and the disposition of the charges,
22 both arranged by category of prohibition.

23 “(8) A law enforcement agency may inspect the records of a gun dealer
24 relating to transfers of firearms and unfinished frames or receivers with the
25 consent of a gun dealer in the course of a reasonable inquiry during a
26 criminal investigation or under the authority of a properly authorized
27 subpoena or search warrant.

28 “(9) When a firearm is delivered, it shall be unloaded.

29 “(10) In accordance with applicable provisions of ORS chapter 183, the
30 Superintendent of State Police may adopt rules necessary for:

1 “(a) The design of the firearms transaction thumbprint form;

2 “(b) The maintenance of a procedure to correct errors in the criminal re-
3 cords of the department;

4 “(c) The provision of a security system to identify gun dealers that re-
5 quest a criminal history record check under subsection (2) of this section;
6 and

7 “(d) The creation and maintenance of a database of the business hours
8 of gun dealers.

9 “(11) The department shall publish the firearms transaction thumbprint
10 form and shall furnish the form to gun dealers on application at cost.

11 “(12) This section does not apply to transactions between persons licensed
12 as dealers under 18 U.S.C. 923.

13 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer
14 may request a criminal background check pursuant to ORS 166.435 or 166.438
15 and may charge a reasonable fee for providing the service.

16 “(b) A gun dealer that requests a criminal background check under this
17 subsection is immune from civil liability for any use of the firearm or un-
18 finished frame or receiver by the [*recipient or transferee*] **purchaser**, provided
19 that the gun dealer:

20 “(A) Requests the criminal background check as described in this section
21 [*and also provided that the dealer*];

22 “(B) **Receives a unique approval number from the department indi-**
23 **cating that the purchaser is qualified to complete the transfer;**

24 “(C) **Allows at least 72 hours to elapse between the request for the**
25 **criminal background check and the transfer of the firearm or unfin-**
26 **ished frame or receiver; and**

27 “(D) Verifies that the [*recipient*] **purchaser** has a valid [*permit-to-*
28 *purchase*] **permit to purchase** the firearm or unfinished frame or receiver
29 [*and the dealer has received a unique approval number from the department*
30 *indicating successful completion of the background check*].

1 “(14) Knowingly selling or delivering a firearm or unfinished frame or
2 receiver to a purchaser [*or transferee*] who does not have a valid [*permit-to-*
3 *purchase*] **permit to purchase** a firearm in violation of subsection (2)(d) of
4 this section, or prior to receiving a unique approval number from the de-
5 partment based on the criminal background check in violation of subsection
6 (3)(c) of this section, is a Class A misdemeanor.

7
8 **“RAPID FIRE ACTIVATORS**

9
10 **“SECTION 2. (1) A person commits the crime of unlawful transport,**
11 **manufacture or transfer of a rapid fire activator if the person know-**
12 **ingly:**

13 **“(a) Transports a rapid fire activator into this state; or**

14 **“(b) Manufactures, sells, offers to sell or transfers a rapid fire ac-**
15 **tivator.**

16 **“(2) A person commits the crime of unlawful possession of a rapid**
17 **fire activator if the person knowingly possesses, purchases or receives**
18 **a rapid fire activator.**

19 **“(3)(a) Unlawful transport, manufacture or transfer of a rapid fire**
20 **activator is a Class B felony.**

21 **“(b) Unlawful possession of a rapid fire activator is a Class A**
22 **misdemeanor.**

23 **“(4) This section does not apply to:**

24 **“(a) A peace officer, or other person employed by a law enforcement**
25 **agency, who possesses a rapid fire activator in accordance with au-**
26 **thorization given to the peace officer or other person by the law**
27 **enforcement agency.**

28 **“(b) A person who has registered a machine gun in accordance with**
29 **federal law and the rapid fire activator is possessed for use only in,**
30 **and is necessary for the proper function of, the lawfully registered**

1 **machine gun.**

2 **“(5) As used in this section:**

3 **“(a) ‘Binary trigger system’ means a device that, when installed in**
4 **or attached to a firearm, allows the firearm to fire both when the**
5 **trigger is pulled or depressed and when the trigger is released.**

6 **“(b) ‘Bump stock’ means a device that, when installed in or at-**
7 **tached to a firearm, increases the rate of fire of the firearm by using**
8 **energy from the recoil of the firearm to generate a reciprocating**
9 **action that facilitates repeated activation of the trigger.**

10 **“(c) ‘Burst trigger system’ means a device that, when installed in**
11 **or attached to a firearm, allows the firearm to discharge two or more**
12 **rounds with a single pull or depression of the trigger by altering the**
13 **trigger reset.**

14 **“(d) ‘Firearm’ has the meaning given that term in ORS 166.210.**

15 **“(e) ‘Hellfire trigger’ means a device that, when installed in or at-**
16 **tached to a firearm, disengages the trigger return spring when the**
17 **trigger is pulled or depressed.**

18 **“(f) ‘Machine gun’ has the meaning given that term in ORS 166.210.**

19 **“(g) ‘Peace officer’ has the meaning given that term in ORS 133.005.**

20 **“(h)(A) ‘Rapid fire activator’ means any device, including a remov-**
21 **able manual or power-driven device, part or combination of parts,**
22 **constructed so that, when built into, installed on or attached to a**
23 **firearm:**

24 **“(i) The rate at which the trigger is activated increases to a faster**
25 **rate than is possible for the firearm without the device; or**

26 **“(ii) The rate of fire increases to a faster rate than is possible for**
27 **a person to fire the firearm without the device.**

28 **“(B) ‘Rapid fire activator’ includes, but is not limited to, a bump**
29 **stock, trigger crank, hellfire trigger, binary trigger system, burst**
30 **trigger system, switch, auto sear or a copy or similar device, regard-**

1 less of the producer or manufacturer.

2 “(i) ‘Switch’ or ‘auto sear’ means a device that, when installed in
3 or attached to a firearm, applies force to a firearm’s trigger bar to
4 prevent the bar from limiting the weapon to firing only one round
5 each time the trigger is pulled or depressed.

6 “(j) ‘Trigger crank’ means a device that, when installed in or at-
7 tached to a firearm, repeatedly activates the trigger of the firearm
8 through the use of a crank, level or any other part that is turned in
9 a circular motion.

10

11

“FIREARM AGE RESTRICTIONS

12

13 **“SECTION 3. The amendments to ORS 166.250, 166.260 and 166.470**
14 **by sections 4 to 6 of this 2025 Act shall be known and may be cited as**
15 **the Russell Paul Evans Act.**

16 **“SECTION 4.** ORS 166.250 is amended to read:

17 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
18 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-
19 mits the crime of unlawful possession of a firearm if the person knowingly:

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

21 “(b) Possesses a handgun that is concealed and readily accessible to the
22 person within any vehicle;

23 “(c) Possesses a firearm and:

24 “(A) Is under [18] **21** years of age;

25 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
26 venile court for having committed an act which, if committed by an adult,
27 would constitute a felony or a misdemeanor involving violence, as defined
28 in ORS 166.470; and

29 “(ii) Was discharged from the jurisdiction of the juvenile court within
30 four years prior to being charged under this section;

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

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

3 “(E) Was found to be a person with mental illness and subject to an order
4 under ORS 426.130 that the person be prohibited from purchasing or pos-
5 sessing a firearm as a result of that mental illness;

6 “(F) Is presently subject to an order under ORS 426.133 prohibiting the
7 person from purchasing or possessing a firearm;

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

10 “(H) The possession of the firearm by the person is prohibited under ORS
11 166.255; or

12 “(d) Possesses an unfinished frame or receiver and is prohibited from
13 possessing firearms under paragraph (c) of this subsection.

14 “(2) This section does not prohibit:

15 “*[(a) A minor, who is not otherwise prohibited under subsection (1)(c) of*
16 *this section, from possessing a firearm:]*

17 “*[(A) Other than a handgun, if the firearm was transferred to the minor*
18 *by the minor’s parent or guardian or by another person with the consent of the*
19 *minor’s parent or guardian; or]*

20 “*[(B) Temporarily for hunting, target practice or any other lawful purpose;*
21 *or]*

22 “*[(b)] (a) Any citizen of the United States over the age of [18] 21 years*
23 *who resides in or is temporarily sojourning within this state, and who is not*
24 *within the excepted classes prescribed by ORS 166.270 and subsection (1) of*
25 *this section, from owning, possessing or keeping within the person’s place*
26 *of residence or place of business any handgun, and no permit or license to*
27 *purchase, own, possess or keep any such firearm at the person’s place of*
28 *residence or place of business is required of any such citizen. As used in this*
29 *subsection, ‘residence’ includes a recreational vessel or recreational vehicle*
30 *while used, for whatever period of time, as residential quarters[.];*

1 **“(b) A person who is at least 18 years of age but under 21 years of**
2 **age and who is not otherwise prohibited under subsection (1)(c)(B) to**
3 **(H) of this section from possessing:**

4 **“(A) A single-shot rifle, whether centerfire or rimfire;**

5 **“(B) A double-barreled shotgun;**

6 **“(C) A repeating rifle, whether centerfire or rimfire, that has a bolt,**
7 **lever, pump, straight-pull or revolving action;**

8 **“(D) A rifle with an attached tubular magazine designed to accept,**
9 **and capable of operating only with, 0.22 caliber rimfire ammunition;**

10 **“(E) A muzzleloader rifle; or**

11 **“(F) A shotgun with a pump, break, level or revolving action; or**

12 **“(c) A minor, who is not otherwise prohibited under subsection**
13 **(1)(c)(B) to (H) of this section, from temporarily possessing a firearm**
14 **listed in paragraph (b) of this subsection if the firearm was transferred**
15 **to the minor by the minor’s parent or guardian.**

16 “(3) Firearms carried openly in belt holsters are not concealed within the
17 meaning of this section.

18 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
19 handgun is readily accessible within the meaning of this section if the
20 handgun is within the passenger compartment of the vehicle.

21 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
22 subsection, has no storage location that is outside the passenger compart-
23 ment of the vehicle, a handgun is not readily accessible within the meaning
24 of this section if:

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

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

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

1 “(A) The handgun is in a locked container within or affixed to the vehi-
2 cle; or

3 “(B) The handgun is equipped with a trigger lock or other locking mech-
4 anism that prevents the discharge of the firearm.

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

6 “**SECTION 5.** ORS 166.260 is amended to read:

7 “166.260. (1) ORS 166.250 **(1)(a), (b), (c)(B) to (H) and (d)** does not apply
8 to or affect:

9 “(a) A parole and probation officer, police officer or reserve officer[, *as*
10 *those terms are defined in ORS 181A.355*].

11 “(b) A federal officer, [*as defined in ORS 133.005, or a*] certified reserve
12 officer or corrections officer[, *as those terms are defined in ORS 181A.355,*]
13 while the federal officer, certified reserve officer or corrections officer is
14 acting within the scope of employment.

15 “(c) An honorably retired law enforcement officer, unless the person who
16 is a retired law enforcement officer has been convicted of an offense that
17 would make the person ineligible to obtain a concealed handgun license un-
18 der ORS 166.291 and 166.292.

19 “(d) Any person summoned by an officer described in paragraph (a) or (b)
20 of this subsection to assist in making arrests or preserving the peace, while
21 the summoned person is engaged in assisting the officer.

22 “(e) The possession or transportation by any merchant of unloaded
23 firearms as merchandise.

24 “(f) Active or reserve members of:

25 “(A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the
26 United States, or of the National Guard, when on duty;

27 “(B) The commissioned corps of the National Oceanic and Atmospheric
28 Administration; or

29 “(C) The Public Health Service of the United States Department of Health
30 and Human Services, when detailed by proper authority for duty with the

1 Army or Navy of the United States.

2 “(g) Organizations which are by law authorized to purchase or receive
3 weapons described in ORS 166.250 from the United States, or from this state.

4 “(h) Duly authorized military or civil organizations while parading, or the
5 members thereof when going to and from the places of meeting of their or-
6 ganization.

7 “(i) A person who is licensed under ORS 166.291 and 166.292 to carry a
8 concealed handgun.

9 “(2) It is an affirmative defense to a charge of violating ORS 166.250
10 (1)(c)(C) that the person has been granted relief from the disability under
11 ORS 166.274.

12 “(3) Except for persons who are otherwise prohibited from possessing a
13 firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to
14 or affect:

15 “(a) Members of any club or organization, for the purpose of practicing
16 shooting at targets upon the established target ranges, whether public or
17 private, while such members are using any of the firearms referred to in ORS
18 166.250 upon such target ranges, or while going to and from such ranges.

19 “(b) Licensed hunters or fishermen while engaged in hunting or fishing,
20 or while going to or returning from a hunting or fishing expedition.

21 “(4) The exceptions listed in subsection (1)(d) to (i) of this section con-
22 stitute affirmative defenses to a charge of violating ORS 166.250.

23 “(5) **ORS 166.250 (1)(c)(A) does not apply to or affect police officers,**
24 **certified reserve officers, reserve officers or active or reserve members**
25 **of the Army, Navy, Air Force, Coast Guard or Marine Corps of the**
26 **United States or of the National Guard.**

27 “(6) **As used in this section:**

28 “(a) **‘Certified reserve officer,’ ‘corrections officer,’ ‘parole and**
29 **probation officer,’ ‘police officer’ and ‘reserve officer’ have the**
30 **meanings given those terms in ORS 181A.355.**

1 **“(b) ‘Federal officer’ has the meaning given that term in ORS**
2 **133.005.**

3 **“SECTION 6.** ORS 166.470 is amended to read:

4 “166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274
5 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
6 of another jurisdiction, a person may not intentionally sell, deliver or oth-
7 erwise transfer any firearm when the transferor knows or reasonably should
8 know that the recipient:

9 “(a) Is under [18] **21** years of age;

10 “(b) Has been convicted of a felony;

11 “(c) Has any outstanding felony warrants for arrest;

12 “(d) Is free on any form of pretrial release for a felony;

13 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

14 “(f) After January 1, 1990, was found to be a person with mental illness
15 and subject to an order under ORS 426.130 that the person be prohibited from
16 purchasing or possessing a firearm as a result of that mental illness;

17 “(g) Has been convicted of a misdemeanor involving violence or found
18 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
19 olence within the previous four years. As used in this paragraph,
20 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
21 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b);

22 “(h) Is presently subject to an order under ORS 426.133 prohibiting the
23 person from purchasing or possessing a firearm; or

24 “(i) Has been found guilty except for insanity under ORS 161.295 of a
25 felony.

26 “(2) A person may not sell, deliver or otherwise transfer any firearm that
27 the person knows or reasonably should know is stolen.

28 “(3) Subsection (1)(a) of this section does not prohibit:

29 “*[(a) The parent or guardian, or another person with the consent of the*
30 *parent or guardian, of a minor from transferring to the minor a firearm, other*

1 *than a handgun; or]*

2 “[*(b) The temporary transfer of any firearm to a minor for hunting, target*
3 *practice or any other lawful purpose.*]

4 “**(a) The transfer of a firearm to a person under 21 years of age who**
5 **is a police officer, certified reserve officer, reserve officer or active or**
6 **reserve member of the Army, Navy, Air Force, Coast Guard or Marine**
7 **Corps of the United States or of the National Guard;**

8 “**(b) The transfer of a firearm described in ORS 166.250 (2)(b) to a**
9 **person who is at least 18 years of age but under 21 years of age; or**

10 “**(c) The parent or guardian of a minor from temporarily trans-**
11 **ferring a firearm described in ORS 166.250 (2)(b) to the minor.**

12 “(4) Violation of this section is a Class A misdemeanor.

13 “**(5) As used in this section, ‘certified reserve officer,’ ‘police**
14 **officer’ and ‘reserve officer’ have the meanings given those terms in**
15 **ORS 181A.355.**

16

17 **“PUBLIC AREA RESTRICTIONS**

18

19 “**SECTION 7.** ORS 166.360 is amended to read:

20 “166.360. As used in ORS 166.360 to 166.380, unless the context requires
21 otherwise:

22 “(1) ‘Capitol building’ means the Capitol, the State Office Building, the
23 State Library Building, the Labor and Industries Building, the State Trans-
24 portation Building, the Agriculture Building or the Public Service Building
25 and includes any new buildings which may be constructed on the same
26 grounds as an addition to the group of buildings listed in this subsection.

27 “(2) ‘Court facility’ means a courthouse or that portion of any other
28 building occupied by a circuit court, the Court of Appeals, the Supreme
29 Court or the Oregon Tax Court or occupied by personnel related to the op-
30 erations of those courts, or in which activities related to the operations of

1 those courts take place.

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

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

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

8 “(6) ‘Loaded firearm’ means:

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

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

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

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

18 “(9) ‘Public building’ means:

19 “(a) A hospital, a capitol building, a public or private school, as defined
20 in ORS 339.315, a college or university, a city hall or the residence of any
21 state official elected by the state at large, and the grounds adjacent to each
22 such building. The term also includes that portion of any other building oc-
23 cupied by an agency of the state or by a city, a county, a district as defined
24 in ORS 198.010 or any other entity that falls within the definition of ‘mu-
25 nicipal corporation’ in ORS 297.405, other than a court facility, **and the**
26 **grounds adjacent to each such building;** or

27 “(b) The passenger terminal of a commercial service airport with over one
28 million passenger boardings per year.

29 “(10) ‘Weapon’ means:

30 “(a) A firearm;

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

5 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-
6 fined in ORS 163.211;

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

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

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

12 “(g) A dangerous or deadly weapon as those terms are defined in ORS
13 161.015.

14 “**SECTION 8.** ORS 166.370 is amended to read:

15 “166.370. (1)(a) Any person who intentionally possesses a loaded or un-
16 loaded firearm or any other instrument used as a dangerous weapon, while
17 in or on a public building, shall upon conviction be guilty of a Class C fel-
18 ony.

19 “(b) Notwithstanding paragraph (a) of this subsection, in a prosecution
20 under this section for the possession of a firearm within the Capitol, within
21 the passenger terminal of a commercial service airport with over one million
22 passenger boardings per year, **within a building and adjacent grounds**
23 **subject to a policy described in ORS 166.377** or on school grounds subject
24 to a policy described in ORS 166.377, if the person proves by a preponderance
25 of the evidence that, at the time of the possession, the person was licensed
26 under ORS 166.291 and 166.292 to carry a concealed handgun, upon con-
27 viction the person is guilty of a Class A misdemeanor.

28 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection,
29 a person who intentionally possesses:

30 “(A) A firearm in a court facility is guilty, upon conviction, of a Class

1 C felony. A person who intentionally possesses a firearm in a court facility
2 shall surrender the firearm to a law enforcement officer.

3 “(B) A weapon, other than a firearm, in a court facility may be required
4 to surrender the weapon to a law enforcement officer or to immediately re-
5 move it from the court facility. A person who fails to comply with this sub-
6 paragraph is guilty, upon conviction, of a Class C felony.

7 “(C) A firearm in a local court facility is guilty, upon conviction, of a
8 Class C felony if, prior to the offense, the presiding judge of the local court
9 facility entered an order prohibiting firearms in the area in which the court
10 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
12 enter an order permitting the possession of specified weapons in a court fa-
13 cility.

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

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

19 “(a) A police officer or reserve officer, as those terms are defined in ORS
20 181A.355.

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

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

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

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

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

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

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

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

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

12 “(A) Is possessed by a person who is not otherwise prohibited from pos-
13 sessed the firearm; and

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

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

19 “(4)(a) Except as provided in subsection (1)(b) of this section, the ex-
20 ceptions listed in subsection (3)(d) to (k) of this section constitute affirmative
21 defenses to a charge of violating subsection (1)(a) of this section.

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

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

30 “(b) Paragraph (a) of this subsection does not apply to the discharge of

1 a firearm:

2 “(A) As part of a program approved by a school in the school by an in-
3 dividual who is participating in the program;

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

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

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

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

14 “(8) As used in this section, ‘dangerous weapon’ means a dangerous
15 weapon as that term is defined in ORS 161.015.

16 **“SECTION 9.** ORS 166.377 is amended to read:

17 “166.377. (1) The governing board of a public university listed in ORS
18 352.002, the Oregon Health and Science University Board of Directors, the
19 governing board of a community college or a district school board as defined
20 in ORS 332.002 may adopt a policy providing that the affirmative defense
21 described in ORS 166.370 (3)(g), concerning persons licensed to carry a con-
22 cealed handgun under ORS 166.291 and 166.292, does not apply to the pos-
23 session of firearms on the grounds of the schools controlled by the board.

24 “(2) A board that adopts a policy under **subsection (1) of** this section
25 shall:

26 “(a) Post a clearly visible sign, at all normal points of entry to the school
27 grounds subject to the policy described in subsection (1) of this section, in-
28 dicating that the affirmative defense described in ORS 166.370 (3)(g) does not
29 apply.

30 “(b) Post a notice on the board’s website identifying all school grounds

1 subject to the policy described in subsection (1) of this section.

2 “(3) **The governing body of a city, county, district as defined in ORS**
3 **198.010 or any other entity that falls within the definition of ‘municipal**
4 **corporation’ in ORS 297.405 may adopt a policy, ordinance or regu-**
5 **lation providing that the affirmative defense described in ORS 166.370**
6 **(3)(g), concerning persons licensed to carry a concealed handgun under**
7 **ORS 166.291 and 166.292, does not apply to the possession of firearms**
8 **within buildings and on grounds adjacent to buildings owned or con-**
9 **trolled by the governing body.**

10 “(4) **A governing body that adopts a policy under subsection (3) of**
11 **this section shall:**

12 “(a) **Post a clearly visible sign, at all normal points of entry to the**
13 **buildings and grounds subject to the policy described in subsection (3)**
14 **of this section, indicating that the affirmative defense described in**
15 **ORS 166.370 (3)(g) does not apply.**

16 “(b) **Post a notice on the governing body’s website identifying all**
17 **buildings and grounds subject to the policy described in subsection (3)**
18 **of this section.**

19 “**SECTION 10.** ORS 166.262 is amended to read:

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

23 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
24 166.292, unless the person possesses a firearm within the Capitol, within the
25 passenger terminal of a commercial service airport with over one million
26 passenger boardings per year, **within a building or adjacent grounds**
27 **subject to a policy described in ORS 166.377** or on school grounds subject
28 to a policy described in ORS 166.377;

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

30 “(3) Proof that the person is an honorably retired law enforcement officer,

1 unless the person has been convicted of an offense that would make the
2 person ineligible to obtain a concealed handgun license under ORS 166.291
3 and 166.292.

4

5

“CAPTIONS

6

7 **“SECTION 11. The unit captions used in this 2025 Act are provided**
8 **only for the convenience of the reader and do not become part of the**
9 **statutory law of this state or express any legislative intent in the**
10 **enactment of this 2025 Act.**

11

12

“EFFECTIVE DATE

13

14 **“SECTION 12. This 2025 Act takes effect on the 91st day after the**
15 **date on which the 2025 regular session of the Eighty-third Legislative**
16 **Assembly adjourns sine die.”.**

17
