

A-Engrossed Senate Bill 978

Ordered by the Senate April 17
Including Senate Amendments dated April 17

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

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

[Directs Department of State Police to conduct study on reporting of attempted unlawful firearm transfers and present report on findings to interim committees of Legislative Assembly related to judiciary on or before September 15, 2020.]

[Sunsets January 2, 2021.]

Authorizes gun dealer, seller at gun show, or business engaged in repairing or servicing firearms to establish minimum age of 18, 19, 20 or 21 years for purchase of firearms, firearm accessories, firearm components, ammunition or ammunition components, or for firearm repairs or services. Provides that minimum age constitutes exemption from antidiscrimination statute in place of public accommodation.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances. Punishes violation by maximum of \$500 fine. Provides that person who does not secure firearm as required is strictly liable for injury to person or property caused by firearm within two years after violation.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm. Punishes violation by maximum of \$500 fine. Provides that person who does not transfer firearm as required is strictly liable for injury to person or property caused by firearm within two years after violation.

Requires person to report loss or theft of firearm within 72 hours of time person knew or reasonably should have known of loss or theft, or within 24 hours of means of reporting becoming available. Punishes violation by maximum of \$1,000 fine. Provides that person who does not report loss or theft as required is strictly liable for injury to person or property caused by firearm within two years after violation or until loss or theft is reported.

Requires person transferring firearm to minor to directly supervise minor's use of firearm. Specifies exceptions. Provides that person who does not supervise minor as required is strictly liable for injury to person or property caused by minor's use of firearm until person regains possession of firearm.

Directs Oregon Health Authority to specify by rule minimum specifications for trigger and cable locks and locked containers required by Act.

Creates offense of unlawful storage of firearm and punishes by maximum of \$500 fine. Punishes by maximum of \$2,000 fine if minor obtains possession of firearm and menaces another person. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both, if minor obtains possession of firearm and injures or kills person. Prohibits person from receiving firearm for five years after conviction. Prohibits person with two or more convictions from possessing firearms unless relief from prohibition is obtained.

Requires gun dealers to post notice concerning obligation to store firearms in safe manner.

Defines "unfinished frame or receiver." Requires gun dealer to conduct criminal background check before transferring unfinished frame or receiver. Punishes importing, offering for sale or transferring unfinished receiver by maximum of 10 years' imprisonment, \$250,000 fine, or both. Specifies exceptions. Punishes possession of unserialized unfinished frame or receiver by maximum of five years' imprisonment, \$125,000 fine, or both. Provides that person commits crime if person possesses unfinished frame or receiver and is prohibited from possessing firearms. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Defines "undetectable firearm." Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, \$250,000 fine, or both. Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Defines "untraceable firearm." Punishes possessing, manufacturing, importing, offering for sale or transferring untraceable firearm by maximum of 10 years' imprisonment, \$250,000

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

fine, or both.

1 Directs Oregon Health Authority to obtain from hospitals data concerning patients with
2 injuries caused by firearms. Directs authority to transfer data to Oregon Trauma Registry.
3 Specifies types of and uses for data.

4 Increases fees payable to county sheriff for issuance, renewal or duplication of concealed
5 handgun license. Authorizes sheriff to collect from license applicant fee charged by Federal
6 Bureau of Investigation for nationwide fingerprint check.

7 Authorizes city, county, metropolitan service district, port operating certain commercial
8 airports, school district, college or university to adopt ordinance or policy limiting or pre-
9 cluding affirmative defense for possession of firearms in public buildings by concealed
10 handgun licensees. Modifies definition of public building, for purposes of crime of possession
11 of weapon in public building, to include certain airport areas, buildings owned or controlled
12 by state or city agency and real property owned by college or university. Punishes violation
13 by maximum of five years' imprisonment, \$125,000 fine, or both. Exempts from prohibition
14 person possessing firearm in certain airport areas when firearm is unloaded and in locked
15 container for purposes of transporting firearm as checked baggage.

16 Exempts transfer of firearm to museum from criminal background check requirement
17 for private firearm transfers.

18 Takes effect on 91st day following adjournment sine die.

19 A BILL FOR AN ACT

20 Relating to firearms; creating new provisions; amending ORS 166.210, 166.250, 166.262, 166.274,
21 166.291, 166.360, 166.370, 166.412, 166.435, 166.470 and 659A.403; and prescribing an effective
22 date.

23 Be It Enacted by the People of the State of Oregon:

24 MINIMUM AGE FOR FIREARM SALES

25 **SECTION 1.** (1) The following may establish a minimum age of 18, 19, 20 or 21 years for
26 the purchase of firearms, firearm accessories, firearm components, ammunition or ammu-
27 nition components, or for the repair or service of a firearm:

28 (a) A person transferring a firearm, a firearm accessory, a firearm component, ammu-
29 nition or an ammunition component at a gun show;

30 (b) A gun dealer; or

31 (c) A business engaged in repairing or servicing a firearm.

32 (2) As used in this section and ORS 659A.403:

33 (a) "Ammunition component" includes primers, powder and accessories that are used to
34 create, modify or reload ammunition.

35 (b) "Antique firearm" has the meaning given that term in ORS 166.210.

36 (c) "Firearm" has the meaning given that term in ORS 166.210 but does not include an
37 antique firearm.

38 (d) "Firearm accessory" means any device that attaches to a firearm, or that is used in
39 or facilitates the operation of a firearm, including but not limited to stocks, grips, detachable
40 magazines and speedloaders.

41 (e) "Firearm component" means any part of a firearm that is material to the function
42 of the firearm.

43 (f) "Gun dealer" has the meaning given that term in ORS 166.412.

44 (g) "Gun show" has the meaning given that term in ORS 166.432.

45 **SECTION 2.** ORS 659A.403 is amended to read:

659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-
diction of this state are entitled to the full and equal accommodations, advantages, facilities and
privileges of any place of public accommodation, without any distinction, discrimination or re-
striction on account of race, color, religion, sex, sexual orientation, national origin, marital status

1 or age if the individual is of age, as described in this section, or older.

2 (2) Subsection (1) of this section does not prohibit:

3 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and
4 the frequenting by minors of places of public accommodation where alcoholic beverages are served;

5 (b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475B.015,
6 by persons under 21 years of age and the frequenting by persons under 21 years of age of places
7 of public accommodation where marijuana items are sold; [or]

8 (c) The offering of special rates or services to persons 50 years of age or older[.];

9 (d) **The following from enforcing minimum age restrictions, pursuant to section 1 of this
10 2019 Act, on the purchase of firearms, firearm accessories, firearm components, ammunition
11 or ammunition components:**

12 (A) **A person transferring a firearm, a firearm accessory, a firearm component, ammu-
13 nition or an ammunition component at a gun show; or**

14 (B) **A gun dealer; or**

15 (e) **A business engaged in the repairing and servicing of firearms from enforcing mini-
16 mum age restrictions, pursuant to section 1 of this 2019 Act, for the repair or service of a
17 firearm.**

18 (3) It is an unlawful practice for any person to deny full and equal accommodations, advantages,
19 facilities and privileges of any place of public accommodation in violation of this section.

20 (4) **The definitions in section 1 of this 2019 Act apply to this section.**

21 **SECTION 3. (1) Except as provided in subsection (2) of this section, the amendments to
22 ORS 659A.403 by section 2 of this 2019 Act apply to all causes of action under ORS 659A.403,
23 whether arising before, on or after the effective date of this 2019 Act.**

24 (2)(a) **The amendments to ORS 659A.403 by section 2 of this 2019 Act do not apply to any
25 action under ORS 659A.403 for which a final judgment has been entered into before the ef-
26 fective date of this 2019 Act.**

27 (b) **As used in this subsection, “final judgment” means a judgment for which the time to
28 appeal has expired without any party filing an appeal or that is not subject to further appeal
29 or review.**

30
31 **FIREARM STORAGE, LOSS OR THEFT REPORTING AND ACCESS BY MINORS**

32
33 **SECTION 4. Sections 5 to 10 of this 2019 Act shall be known and may be cited as the
34 Cindy Yuille and Steve Forsyth Act.**

35 **SECTION 5. As used in sections 5 to 10 of this 2019 Act:**

36 (1) **“Authorized person” means a person authorized by the owner or possessor of a
37 firearm to carry or control the firearm.**

38 (2)(a) **“Container” means a box, case, chest, locker, safe or other similar receptacle.**

39 (b) **“Container” does not include a building, room or vehicle or a space within a vehicle.**

40 (3) **“Control” means, in relation to a firearm, that a person is in sufficiently close prox-
41 imity to the firearm to prevent another person from obtaining the firearm.**

42 (4) **“Firearm” has the meaning given that term in ORS 166.210, except that it does not
43 include a firearm that has been rendered permanently inoperable.**

44 (5) **“Gun dealer” has the meaning given that term in ORS 166.412.**

45 (6) **“Gun room” means an area within a building enclosed by walls, a floor and a ceiling,**

1 including a closet, that has all entrances secured by a tamper-resistant lock, that is kept
2 locked at all times when unoccupied and that is used for:

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

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

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

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

10 (9)(a) "Transfer" means the delivery of a firearm from a person to a recipient, neither
11 of whom is a gun dealer or is licensed as a manufacturer or importer under 18 U.S.C. 923,
12 including, but not limited to, the sale, gift, loan or lease of the firearm.

13 (b) "Transfer" does not include:

14 (A) The temporary provision of a firearm by a person to a recipient other than a minor
15 if the person has no reason to believe the recipient is prohibited from possessing a firearm
16 or intends to use the firearm in the commission of a crime, and the provision occurs:

17 (i) At a shooting range, shooting gallery or other area designed for the purpose of target
18 shooting, for use during target practice, a firearms safety or training course or class or a
19 similar lawful activity;

20 (ii) For the purpose of hunting, trapping or target shooting, during the time in which the
21 recipient is engaged in activities related to hunting, trapping or target shooting;

22 (iii) Under circumstances in which the recipient and the firearm are in the presence of
23 the person;

24 (iv) To a recipient who is in the business of repairing firearms, for the time during which
25 the firearm is being repaired;

26 (v) To a recipient who is in the business of making or repairing custom accessories for
27 firearms, for the time during which the accessories are being made or repaired; or

28 (vi) For the purpose of preventing imminent death or serious physical injury, and the
29 provision lasts only as long as is necessary to prevent the death or serious physical injury;
30 or

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

33 **SECTION 6.** (1)(a) A person who owns or possesses a firearm shall, at all times that the
34 firearm is not carried by or under the control of the person or an authorized person, secure
35 the firearm:

36 (A) With an engaged trigger lock or cable lock that meets or exceeds the minimum
37 specifications established by the Oregon Health Authority under section 10 of this 2019 Act;

38 (B) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds
39 the minimum specifications established by the Oregon Health Authority under section 10 of
40 this 2019 Act; or

41 (C) In a gun room.

42 (b) For purposes of paragraph (a) of this subsection, a firearm is not secured if a key,
43 combination or other means of opening a lock or container is readily available to a person
44 the owner or possessor has not authorized to carry or control the firearm.

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

1 **(b) Each firearm owned or possessed in violation of subsection (1) of this section consti-**
2 **tutes a separate violation.**

3 **(3) If a person obtains an unsecured firearm as a result of the owner or possessor of a**
4 **firearm violating subsection (1) of this section and the firearm is used to injure a person or**
5 **property within two years of the violation, the owner or possessor of the firearm who vio-**
6 **lated subsection (1) of this section is strictly liable for the injury.**

7 **(4) The liability imposed by subsection (3) of this section does not apply if:**

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

9 **(b) The unsecured firearm was obtained:**

10 **(A) At a shooting range, shooting gallery or other area designed for the purpose of target**
11 **shooting, for use during target practice, a firearms safety or training course or class or a**
12 **similar lawful activity;**

13 **(B) For the purpose of hunting, trapping or target shooting, during the time in which the**
14 **person is engaged in activities related to hunting, trapping or target shooting;**

15 **(C) Under circumstances in which the person and the firearm are in the presence of the**
16 **owner or possessor of the firearm;**

17 **(D) By a person who is in the business of repairing firearms, for the purpose of repairing**
18 **the firearm;**

19 **(E) By a person who is in the business of making or repairing custom accessories for**
20 **firearms, for the purpose of making or repairing the accessories; or**

21 **(F) From a person who is a gun dealer or is licensed as a manufacturer or importer un-**
22 **der 18 U.S.C. 923, in accordance with federal law.**

23 **SECTION 7.** **(1) A person transferring a firearm shall transfer the firearm:**

24 **(a) With an engaged trigger lock or cable lock that meets or exceeds the minimum**
25 **specifications established by the Oregon Health Authority under section 10 of this 2019 Act;**
26 **or**

27 **(b) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds**
28 **the minimum specifications established by the Oregon Health Authority under section 10 of**
29 **this 2019 Act.**

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

31 **(b) Each firearm transferred in violation of subsection (1) of this section constitutes a**
32 **separate violation.**

33 **(3) If a firearm transferred in a manner that violates subsection (1) of this section is used**
34 **to injure a person or property within two years of the violation, the owner or possessor of**
35 **the firearm who transferred the firearm in violation of subsection (1) of this section is**
36 **strictly liable for the injury.**

37 **(4) The liability imposed by subsection (3) of this section does not apply if the injury re-**
38 **sults from a lawful act of self-defense or defense of another person.**

39 **SECTION 8.** **(1)(a) A person who owns, possesses or controls a firearm shall report the**
40 **loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss**
41 **or theft occurred as soon as practicable but not later than 72 hours of the time the person**
42 **knew or reasonably should have known of the loss or theft.**

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

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

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

4 (3) If a lost or stolen firearm is used to injure a person or property and the person who
5 owned, possessed or controlled the firearm at the time of the loss or theft did not report the
6 loss or theft within the time period required by subsection (1) of this section, the person who
7 owned, possessed or controlled the firearm at the time of the loss or theft is strictly liable
8 for the injury for two years from the expiration of the time limit for reporting or until the
9 loss or theft report is made, whichever occurs sooner.

10 (4) The liability imposed by subsection (3) of this section does not apply if the injury re-
11 sults from a lawful act of self-defense or defense of another person.

12 (5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law
13 enforcement agency shall provide the information concerning the lost or stolen firearm to
14 the Department of State Police.

15 (b) The department shall enter the information concerning the lost or stolen firearm into
16 the Law Enforcement Data System or another electronic database as determined by the de-
17 partment.

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

19 **SECTION 9.** (1)(a) A person who transfers a firearm to a minor shall directly supervise
20 the minor's use of the firearm.

21 (b) Notwithstanding ORS 166.250, except in the case of a lawful act of self-defense or de-
22 fense of another person, a minor may possess a firearm only under the direct supervision
23 of an adult.

24 (2)(a) A person who transfers a firearm to a minor, and who fails to directly supervise
25 the minor's use of the firearm, is strictly liable for injury to person or property caused by
26 the minor's use of the firearm until the person regains possession of the firearm.

27 (b) The liability imposed by paragraph (a) of this subsection does not apply if the injury
28 results from a lawful act of self-defense or defense of another person.

29 (3) This section does not apply to the transfer of a firearm:

30 (a) That is owned by the minor; or

31 (b) To a minor by a person who is the minor's parent or guardian or who has obtained
32 the permission of the minor's parent or guardian:

33 (A) For the purpose of hunting in accordance with ORS 497.360, trapping or target
34 shooting, during the time in which the minor is engaged in activities related to hunting,
35 trapping or target shooting; and

36 (B) Who holds a valid youth license under ORS 497.127 for the purposes of hunting.

37 **SECTION 10.** No later than January 1, 2020, the Oregon Health Authority, in consultation
38 with the Department of State Police and after considering any relevant standards in the
39 Consumer Product Safety Act (15 U.S.C. 2051 et seq.), shall adopt rules establishing the
40 minimum specifications for trigger locks, cable locks and containers equipped with tamper-
41 resistant locks required by sections 6 and 7 of this 2019 Act.

42 **SECTION 11.** Sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

43 **SECTION 12.** (1) A person commits the offense of unlawful storage of a firearm if:

44 (a) The person stores or leaves a firearm in a location where the person knows, or rea-
45 sonably should know, that a minor under 18 years of age is likely to gain access to the

1 **firearm; and**

2 **(b) A minor under 18 years of age obtains possession of the firearm.**

3 **(2)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection, unlawful**
4 **storage of a firearm is a Class C violation.**

5 **(b) Unlawful storage of a firearm is a Class A violation if the minor who obtains pos-**
6 **session of the firearm intentionally, by word or conduct, attempts to place another person**
7 **in fear of imminent serious physical injury.**

8 **(c) Unlawful storage of a firearm is a Class A misdemeanor if the minor who obtains**
9 **possession of the firearm injures or kills a person by means of the firearm.**

10 **(3) Subsection (1) of this section does not apply if:**

11 **(a) The minor obtains possession of the firearm while under the direct supervision of the**
12 **minor's parent or guardian;**

13 **(b) The minor obtains possession of the firearm:**

14 **(A) In a lawful act of self-defense or defense of another person; or**

15 **(B) Through the illegal act of any person other than the person described in subsection**
16 **(1)(a) of this section;**

17 **(c) The firearm is equipped with a trigger lock or other safe storage device;**

18 **(d) The firearm is stored in a securely locked container or in a location that a reasonable**
19 **person would believe to be secure;**

20 **(e) The firearm is rendered inoperable by the removal of an essential component of the**
21 **firing mechanism; or**

22 **(f) The person is a peace officer or member of the military forces of this state or the**
23 **United States and the minor obtained the firearm during, or incidental to, the performance**
24 **of the person's duties.**

25 **(4) As used in this section, "firearm" has the meaning given that term in ORS 166.210.**

26 **SECTION 13. A gun dealer shall post in a prominent location in the gun dealer's place**
27 **of business a notice, in block letters not less than one inch in height, that states: "The**
28 **purchaser of a firearm has an obligation to store firearms in a safe manner and to prevent**
29 **unsupervised access to a firearm by a minor. If a minor obtains access to a firearm and the**
30 **owner failed to store the firearm in a safe manner, the owner may be guilty of a crime."**

31
32 **UNDETECTABLE AND UNTRACEABLE FIREARMS**

33
34 **SECTION 14. ORS 166.412, as amended by section 4, chapter 5, Oregon Laws 2018, and section**
35 **15, chapter 120, Oregon Laws 2018, is amended to read:**

36 **166.412. (1) As used in this section:**

37 **(a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;**

38 **(b) "Department" means the Department of State Police;**

39 **(c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include**
40 **an antique firearm;**

41 **(d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.**
42 **921 to 929;**

43 **(e) "Firearms transaction thumbprint form" means a form provided by the department under**
44 **subsection (11) of this section;**

45 **(f) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,**

1 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or
2 otherwise; [and]

3 (g) "Purchaser" means a person who buys, leases or otherwise receives a firearm **or unfinished**
4 **frame or receiver** from a gun dealer[.]; **and**

5 **(h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.**

6 (2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply
7 with the following before a firearm **or unfinished frame or receiver** is delivered to a purchaser:

8 (a) The purchaser shall present to the gun dealer current identification meeting the require-
9 ments of subsection (4) of this section.

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

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

15 (d) The gun dealer shall request by telephone that the department conduct a criminal history
16 record check on the purchaser and shall provide the following information to the department:

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

18 (B) The business name of the gun dealer;

19 (C) The place of transfer;

20 (D) The name of the person making the transfer;

21 (E) The make, model, caliber and manufacturer's number of the firearm being transferred **or a**
22 **description of the unfinished frame or receiver being transferred;**

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

24 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
25 number to the gun dealer; and

26 (H) The type, issuer and identification number of the identification presented by the purchaser.

27 (e) The gun dealer shall receive a unique approval number for the transfer from the department
28 and record the approval number on the firearms transaction record and on the firearms transaction
29 thumbprint form.

30 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
31 completion of the firearms transaction thumbprint form.

32 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
33 partment shall immediately, during the gun dealer's telephone call or by return call:

34 (A) Determine, from criminal records and other information available to it, whether the pur-
35 chaser is disqualified under ORS 166.470 from completing the purchase; and

36 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
37 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
38 complete the transfer.

39 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
40 completing the transfer within 30 minutes, the department shall notify the gun dealer and provide
41 the gun dealer with an estimate of the time when the department will provide the requested infor-
42 mation.

43 (c) If the department fails to provide a unique approval number to a gun dealer or to notify the
44 gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close
45 of the gun dealer's next business day following the request by the gun dealer for a criminal history

1 record check, the gun dealer may deliver the firearm **or unfinished frame or receiver** to the pur-
2 chaser.

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

5 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
6 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-
7 tional governmental organization or an international quasi-governmental organization; and

8 (B) Is intended to be used for identification of an individual or is commonly accepted for the
9 purpose of identification of an individual.

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

15 (c) The department may require that the gun dealer verify the identification of the purchaser if
16 that identity is in question by sending the thumbprints of the purchaser to the department.

17 (5) The department shall establish a telephone number that shall be operational seven days a
18 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun
19 dealers for a criminal history record check under this section.

20 (6) No public employee, official or agency shall be held criminally or civilly liable for performing
21 the investigations required by this section provided the employee, official or agency acts in good
22 faith and without malice.

23 (7)(a) The department may retain a record of the information obtained during a request for a
24 criminal history record check for no more than five years.

25 (b) The record of the information obtained during a request for a criminal history record check
26 by a gun dealer is exempt from disclosure under public records law.

27 (c) If the department determines that a purchaser is prohibited from possessing a firearm under
28 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any
29 other personally identifiable information to all federal, state and local law enforcement agencies and
30 district attorneys that have jurisdiction over the location or locations where the attempted transfer
31 was made and where the purchaser resides.

32 (d) If the department determines that, based on the judgment of conviction, the purchaser is
33 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently
34 on post-prison supervision or parole, the department shall report the attempted transfer to the
35 purchaser's supervising officer and the district attorney of the county in which the conviction oc-
36 curred.

37 (e) If the department determines that the purchaser is prohibited from possessing a firearm due
38 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer
39 to the court that issued the order.

40 (f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric
41 Security Review Board, the department shall report the attempted transfer to the board.

42 (g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours
43 after the determination is made, unless a report would compromise an ongoing investigation, in
44 which case the report may be delayed as long as necessary to avoid compromising the investigation.

45 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's

1 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
2 endar year shall inform the department of any action that was taken concerning the report and the
3 outcome of the action.

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

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

8 (B) The number of reports made pursuant to paragraph (c) of this subsection;

9 (C) The number of investigations arising from the reports made pursuant to paragraph (c) of this
10 subsection, the number of investigations concluded and the number of investigations referred for
11 prosecution, all arranged by category of prohibition; and

12 (D) The number of criminal charges arising from the reports made pursuant to paragraph (c) of
13 this subsection and the disposition of the charges, both arranged by category of prohibition.

14 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of
15 firearms **and unfinished frames or receivers** with the consent of a gun dealer in the course of a
16 reasonable inquiry during a criminal investigation or under the authority of a properly authorized
17 subpoena or search warrant.

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

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

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

22 (b) The maintenance of a procedure to correct errors in the criminal records of the department;

23 (c) The provision of a security system to identify gun dealers that request a criminal history
24 record check under subsection (2) of this section; and

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

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

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

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

33 (b) A gun dealer that requests a criminal background check under this subsection is immune
34 from civil liability for any use of the firearm **or unfinished frame or receiver** by the recipient or
35 transferee, provided that the gun dealer requests the criminal background check as described in this
36 section.

37 **SECTION 15. Sections 16 and 17 of this 2019 Act are added to and made part of ORS**
38 **166.250 to 166.270.**

39 **SECTION 16. (1) As used in this section:**

40 (a) **“Security exemplar” has the meaning given that term in 18 U.S.C. 922.**

41 (b) **“Undetectable firearm” means a firearm:**

42 (A) **Constructed or produced, including through a three-dimensional printing process,**
43 **entirely of nonmetal substances;**

44 (B) **That is not as detectable as 3.7 ounces of 17-4 PH of stainless steel, or as the security**
45 **exemplar, by a walk-through metal detector or magnetometer after all parts other than**

1 major components have been removed; or

2 (C) That includes a major component that, if the firearm were subjected to inspection
3 by the types of X-ray machines or detection devices commonly used at airports for security
4 screening, would not generate an image that accurately depicts the shape of the component.

5 (2) A person who knowingly manufactures or causes to be manufactured within this
6 state, imports into this state, or offers for sale, sells or transfers, an undetectable firearm
7 commits a Class B felony.

8 (3) A person who knowingly possesses an undetectable firearm commits a Class A
9 misdemeanor.

10 **SECTION 17.** (1) As used in this section:

11 (a) "Antique firearm" and "unfinished frame or receiver" have the meanings given those
12 terms in ORS 166.210.

13 (b) "Untraceable firearm" means a firearm other than an antique firearm for which the
14 sale or distribution chain, from a licensed retailer to the point of first retail sale, cannot be
15 traced by a law enforcement agency by means of a serial number affixed to the firearm by
16 a federally licensed manufacturer or importer in accordance with 18 U.S.C. 923(i) and all
17 regulations issued under the authority of 18 U.S.C. 923(i), including but not limited to 27
18 C.F.R. 478.92.

19 (2) A person who knowingly possesses, manufactures, assembles, causes to be manufac-
20 tured or assembled, imports into this state, offers for sale, sells or transfers an untraceable
21 firearm commits a Class B felony.

22 (3) A person who knowingly imports into this state, offers for sale, sells or transfers an
23 unfinished frame or receiver commits a Class B felony unless:

24 (a) The person is a federally licensed gun dealer;

25 (b) The name of the manufacturer and an individual serial number is conspicuously
26 placed on the unfinished frame or receiver in accordance with the procedures for the se-
27 rialization of a firearm in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C.
28 923(i), including but not limited to 27 C.F.R. 478.92; and

29 (c) The person maintains records relating to the unfinished frame or receiver in accord-
30 ance with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and all
31 regulations issued under the authority of 18 U.S.C. 923(g), including but not limited to 27
32 C.F.R. 478.121 to 478.134.

33 (4) A person who knowingly possesses an unfinished frame or receiver that is not seri-
34 alized as provided in subsection (3)(b) of this section commits a Class C felony, unless:

35 (a) The person is a federally licensed gun manufacturer; and

36 (b) The unfinished frame or receiver is an unfinished part within a manufacturing pro-
37 cess that includes serialization.

38
39 **PROHIBITED POSSESSION AND TRANSFER**

40
41 **SECTION 18.** ORS 166.210 is amended to read:

42 166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470:

43 (1) "Antique firearm" means:

44 (a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type
45 of ignition system, manufactured in or before 1898; and

1 (b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

2 (A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition;

3 or

4 (B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in
5 the United States and that is not readily available in the ordinary channels of commercial trade.

6 (2) "Corrections officer" has the meaning given that term in ORS 181A.355.

7 (3) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile
8 by the action of powder.

9 (4) "Firearms silencer" means any device for silencing, muffling or diminishing the report of a
10 firearm.

11 **(5) "Frame or receiver" means the part of a firearm that provides housing for the ham-**
12 **mer, bolt or breechlock and firing mechanism and that is usually threaded at its forward**
13 **portion to receive the barrel.**

14 [(5)] (6) "Handgun" means any pistol or revolver using a fixed cartridge containing a propellant
15 charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

16 [(6)] (7) "Machine gun" means a weapon of any description by whatever name known, loaded
17 or unloaded, which is designed or modified to allow two or more shots to be fired by a single pres-
18 sure on the trigger device.

19 [(7)] (8) "Minor" means a person under 18 years of age.

20 [(8)] (9) "Offense" has the meaning given that term in ORS 161.505.

21 [(9)] (10) "Parole and probation officer" has the meaning given that term in ORS 181A.355.

22 [(10)] (11) "Peace officer" has the meaning given that term in ORS 133.005.

23 [(11)] (12) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in
24 length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

25 [(12)] (13) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
26 inches in length and any weapon made from a shotgun if the weapon has an overall length of less
27 than 26 inches.

28 (14)(a) **"Unfinished frame or receiver" means a partially completed frame or receiver**
29 **consisting of a blank, casting or machined body that:**

30 **(A) Requires further machining or molding to be used as part of a functional firearm;**
31 **and**

32 **(B) Is designed and intended to be used in the assembly of a functional firearm.**

33 **(b) "Unfinished frame or receiver" does not include:**

34 **(A) A component designed and intended for use in an antique firearm;**

35 **(B) A piece of material that has solely had its chemical composition altered; or**

36 **(C) A piece of material that has had its size or shape altered solely to facilitate trans-**
37 **portation or storage.**

38 **SECTION 19.** ORS 166.250 is amended to read:

39 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,
40 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession
41 of a firearm if the person knowingly:

42 (a) Carries any firearm concealed upon the person;

43 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
44 cle; [or]

45 (c) Possesses a firearm and:

- 1 (A) Is under 18 years of age;
- 2 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
3 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
4 volving violence, as defined in ORS 166.470; and
- 5 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
6 charged under this section;
- 7 (C) Has been convicted of a felony;
- 8 (D) Was committed to the Oregon Health Authority under ORS 426.130;
- 9 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
10 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
- 11 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
12 or possessing a firearm;
- 13 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; [or]
- 14 (H) The possession of the firearm by the person is prohibited under ORS 166.255[.]; **or**
- 15 **(I) Has two or more convictions of unlawful storage of a firearm under section 12 of this**
16 **2019 Act; or**
- 17 **(d) Possesses an unfinished frame or receiver and is prohibited from possessing firearms**
18 **under paragraph (c) of this subsection.**
- 19 (2) This section does not prohibit:
- 20 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
21 sessed a firearm:
- 22 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or
23 guardian or by another person with the consent of the minor's parent or guardian; or
- 24 (B) Temporarily for hunting, target practice or any other lawful purpose; or
- 25 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
26 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
27 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
28 residence or place of business any handgun, and no permit or license to purchase, own, possess or
29 keep any such firearm at the person's place of residence or place of business is required of any such
30 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
31 while used, for whatever period of time, as residential quarters.
- 32 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.
- 33 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
34 cessible within the meaning of this section if the handgun is within the passenger compartment of
35 the vehicle.
- 36 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
37 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
38 sible within the meaning of this section if:
- 39 (A) The handgun is stored in a closed and locked glove compartment, center console or other
40 container; and
- 41 (B) The key is not inserted into the lock, if the glove compartment, center console or other
42 container unlocks with a key.
- 43 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
44 readily accessible within the meaning of this section if:
- 45 (A) The handgun is in a locked container within or affixed to the vehicle; or

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

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

4 **SECTION 20.** ORS 166.470 is amended to read:

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

9 (a) Is under 18 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 and subject to an order
15 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
16 of that mental illness;

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

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

23 (i) Has been found guilty except for insanity under ORS 161.295 of a felony[.]; **or**

24 **(j) Has been convicted of unlawful storage of a firearm under section 12 of this 2019 Act**
25 **within the five years immediately preceding the date of the attempted sale, delivery or**
26 **transfer.**

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

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

30 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
31 minor from transferring to the minor a firearm, other than a handgun; or

32 (b) The temporary transfer of any firearm to a minor for hunting, target practice or any other
33 lawful purpose.

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

35 **SECTION 21.** ORS 166.274 is amended to read:

36 166.274. (1) Except as provided in subsection (11) of this section, a person barred from possessing
37 or receiving a firearm may file a petition for relief from the bar in accordance with subsection (2)
38 of this section if:

39 (a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A), (C), [or] (H) **or**
40 **(I)** or 166.270; or

41 (b) The person is barred from receiving a firearm under ORS 166.470 (1)(a) or (b) or, if the per-
42 son has been convicted of a misdemeanor involving violence, ORS 166.470 (1)(g).

43 (2) A petition for relief described in this section must be filed in the circuit court in the
44 petitioner's county of residence.

45 (3) A person may apply once per calendar year for relief under the provisions of this section.

1 (4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

2 (A) The city chief of police if the court in which the petition is filed is located in a city; or

3 (B) The sheriff of the county in which the court is located.

4 (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the
5 petition is filed at the court.

6 (5)(a) When a petition is denied, the judge shall cause that information to be entered into the
7 Department of State Police computerized criminal history files.

8 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of
9 the petitioner to be entered into the Department of State Police computerized criminal history files.
10 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-
11 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall
12 notify the court that granted relief under this section. The court shall review the order granting
13 relief and determine whether to rescind the order. The Department of State Police may charge a
14 reasonable fee, under ORS 192.324, for the entry and maintenance of information under this section.

15 (6) Notwithstanding the provisions of ORS 9.320, a party that is not a natural person, the state
16 or any city, county, district or other political subdivision or public corporation in this state, without
17 appearance by attorney, may appear as a party to an action under this section.

18 (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall
19 be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner
20 does not pose a threat to the safety of the public or the petitioner.

21 (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of
22 filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall
23 then make findings and conclusions and issue a judgment based on the findings and conclusions in
24 accordance with the requirements of law.

25 (9) A person filing a petition under this section must pay the filing fee established under ORS
26 21.135.

27 (10)(a) Initial appeals of petitions shall be heard de novo.

28 (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the
29 same manner as for any other civil action.

30 (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall
31 be ordered to pay the attorney fees for the prevailing party.

32 (11) The court may not grant relief under this section to a person who:

33 (a) Has been convicted of a person felony, as that term is defined in the rules of the Oregon
34 Criminal Justice Commission, or the statutory counterpart to a person felony in any other jurisdic-
35 tion, if the offense involved the use of a firearm or a deadly weapon as defined in ORS 161.015;

36 (b) Has been convicted of an offense listed in ORS 137.700 or the statutory counterpart to an
37 offense listed in ORS 137.700 in any other jurisdiction; or

38 (c) Is currently serving a felony sentence as defined in ORS 10.030 or has served a felony sen-
39 tence in the one-year period preceding the filing of the petition.

40
41 **FIREARM INJURY REPORTING**

42
43 **SECTION 22. (1) The Oregon Health Authority shall obtain directly from each hospital**
44 **licensed to operate in this state, or from a third party working on behalf of or by contract**
45 **with the hospital, emergency department discharge records and outcome data for any patient**

1 receiving treatment for an injury caused by a firearm.

2 (2) The authority shall establish by rule standards for the data obtained by the authority
3 under this section.

4 (3) The authority shall notify any entity submitting data under this section of any
5 changes to the data sets that must be submitted, no later than July 1 of the calendar year
6 preceding the year in which the changes become effective.

7 (4) The authority may contract with a third party to receive and process the records
8 submitted under this section.

9 (5) The authority shall transfer the patient encounter data elements obtained under this
10 section to the Oregon Trauma Registry.

11 (6) Patient outcome data required to be submitted under this section includes:

12 (a) Discharge status;

13 (b) The diagnosis the patient received in the emergency department and any procedures
14 performed on the patient; and

15 (c) Demographic or standard health care information and other information as required
16 by the authority by rule.

17 (7) Data provided pursuant to this section shall be:

18 (a) Treated as a confidential medical record and not disclosed; and

19 (b) Considered privileged data under ORS 41.675 and 41.685.

20 (8) Data submitted pursuant to this section may be used for quality assurance, quality
21 improvement, epidemiological assessment and investigation, public health critical response
22 planning, prevention activities and other purposes that the authority determines necessary.

23 (9) The authority may adopt rules to carry out this section.

24
25 **CONCEALED HANDGUN LICENSE FEES**

26
27 **SECTION 23.** ORS 166.291 is amended to read:

28 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
29 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
30 out in this section, shall issue the person a concealed handgun license if the person:

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

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

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

37 (c) Is a resident of the county;

38 (d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

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

17 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
18 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
19 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

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

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

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

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

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

39 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
40 107.700 to 107.735 or 163.738;

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

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

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

45 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.

1 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
2 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

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

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

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

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

23
24
25 APPLICATION FOR LICENSE TO CARRY
26 CONCEALED HANDGUN

27 Date _____

28 I hereby declare as follows:

29 I am a citizen of the United States or a legal resident alien who can document continuous res-
30 idency in the county for at least six months and have declared in writing to the United States Cit-
31 izenship and Immigration Services my intention to become a citizen and can present proof of the
32 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
33 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
34 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
35 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
36 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
37 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
38 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
39 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
40 volving controlled substances or completed a court-supervised drug diversion program. There are
41 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
42 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
43 person with mental illness and presently subject to an order prohibiting me from purchasing or
44 possessing a firearm because of mental illness. I am not under a court order to participate in as-
45 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a

1 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
2 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
3 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
4 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
5 from the Armed Forces of the United States. I am not required to register as a sex offender in any
6 state. I understand I will be fingerprinted and photographed.

7
8 Legal name _____
9 Age _____ Date of birth _____
10 Place of birth _____
11 Social Security number _____

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

14
15 Proof of identification (Two pieces of current identification are required, one of which must bear a
16 photograph of the applicant. The type of identification and the number on the identification are to
17 be filled in by the sheriff.):

- 18 1. _____
- 19 2. _____

20
21 Height _____ Weight _____
22 Hair color _____ Eye color _____

23
24 Current address _____

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

25
26
27
28 City _____ County _____ Zip _____
29 Phone _____

30
31 I have read the entire text of this application, and the statements therein are correct and true.
32 (Making false statements on this application is a misdemeanor.)

33 _____
34 (Signature of Applicant)

35
36 Character references.

37 _____
38 Name: Address

39 _____
40 Name: Address

41
42 Approved _____ Disapproved _____ by _____

43
44 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

45 Date _____ Fee Paid _____

1 License No. _____

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

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

(B) [~~\$50~~] **\$65** to the sheriff for the issuance or renewal of a concealed handgun license.

(C) [~~\$15~~] **\$20** to the sheriff for the duplication of a license because of loss, [*or*] change of address
or change of name.

(D) To the sheriff, an amount equal to the fee charged by the Federal Bureau of Investigation for conducting a nationwide fingerprint check of the applicant.

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

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

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

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

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

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

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

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

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

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

SECTION 24. The amendments to ORS 166.291 by section 23 of this 2019 Act apply to applications for new concealed handgun licenses and requests for license renewal or duplication submitted on or after the effective date of this 2019 Act.

LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC BUILDINGS

SECTION 25. (1) A city, a county, a metropolitan service district organized under ORS chapter 268, or a port operating a commercial service airport with at least 2 million passenger boardings per calendar year may adopt an ordinance limiting or precluding the use of the

1 **affirmative defense described in ORS 166.370 (3)(g) concerning the possession of firearms in**
2 **public buildings, within each entity’s respective jurisdiction, by persons licensed to carry a**
3 **concealed handgun under ORS 166.291 and 166.292.**

4 (2) **A school district, college or university may adopt a policy limiting or precluding the**
5 **use of the affirmative defense described in ORS 166.370 (3)(g) concerning the possession of**
6 **firearms in public buildings by persons licensed to carry a concealed handgun under ORS**
7 **166.291 and 166.292.**

8 (3) **An entity that adopts an ordinance or policy under this section shall post a sign,**
9 **visible to the public, identifying all locations where the affirmative defense described in ORS**
10 **166.370 (3)(g) is limited or precluded.**

11 (4) **As used in this section, “public building” has the meaning given that term in ORS**
12 **166.360.**

13 **SECTION 26.** 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) A hospital[.];

40 (B) A capitol building[.];

41 (C) A public or private school, as defined in ORS 339.315[.];

42 (D) A college or university[.];

43 (E) A city hall; [or]

44 (F) The residence of any state official elected by the state at large, [*and the grounds adjacent*
45 *to each such building.*] **if the residence is owned by the state; or**

1 (G) The *[term also includes that]* portion of any other building **owned**, occupied or **controlled**
2 by an agency of the state or a municipal corporation, as defined in ORS 297.405, other than a court
3 facility[.];

4 (b) **The grounds, other than a parking area, adjacent to a building described in paragraph**
5 **(a) of this subsection;**

6 (c) **Real property owned by a college or university; or**

7 (d) **The passenger terminal, and grounds adjacent to the passenger terminal, of a com-**
8 **mercial service airport that has at least 1 million passenger boardings per calendar year.**

9 (10) "Weapon" means:

10 (a) A firearm;

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

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

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

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

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

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

20 **SECTION 27.** ORS 166.370 is amended to read:

21 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
22 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
23 guilty of a Class C felony.

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

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

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

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

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

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

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

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

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

44 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
45 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer

1 or corrections officer is acting within the scope of employment.

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

5 (e) An honorably retired law enforcement officer.

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

8 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, **ex-**
9 **cept as otherwise provided in an ordinance or policy adopted pursuant to section 25 of this**
10 **2019 Act.**

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

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

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

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

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

18 **(k) A person who possesses a firearm in the passenger terminal, or grounds adjacent to**
19 **the passenger terminal, of a commercial service airport that has at least 1 million passenger**
20 **boardings per year, if the firearm is unloaded and in a locked hard-sided container for the**
21 **purposes of transporting the firearm as checked baggage in accordance with federal law.**

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

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

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

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

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

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

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

36 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
37 166.279.

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

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

43 **SECTION 28.** ORS 166.262 is amended to read:

44 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
45 (b) or 166.370 (1) if the person has in the person's immediate possession:

1 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, **except as oth-**
2 **erwise provided in an ordinance or policy adopted pursuant to section 25 of this 2019 Act;**

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
8 **MUSEUM EXCEPTION FOR PRIVATE TRANSFER**
9 **BACKGROUND CHECKS**

10
11 **SECTION 29.** ORS 166.435 is amended to read:

12 166.435. (1) As used in this section:

13 (a) "Transfer" means the delivery of a firearm from a transferor to a transferee, including, but
14 not limited to, the sale, gift, loan or lease of the firearm. "Transfer" does not include the temporary
15 provision of a firearm to a transferee if the transferor has no reason to believe the transferee is
16 prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and
17 the provision occurs:

18 (A) At a shooting range, shooting gallery or other area designed for the purpose of target
19 shooting, for use during target practice, a firearms safety or training course or class or a similar
20 lawful activity;

21 (B) For the purpose of hunting, trapping or target shooting, during the time in which the
22 transferee is engaged in activities related to hunting, trapping or target shooting;

23 (C) Under circumstances in which the transferee and the firearm are in the presence of the
24 transferor;

25 (D) To a transferee who is in the business of repairing firearms, for the time during which the
26 firearm is being repaired;

27 (E) To a transferee who is in the business of making or repairing custom accessories for
28 firearms, for the time during which the accessories are being made or repaired; or

29 (F) For the purpose of preventing imminent death or serious physical injury, and the provision
30 lasts only as long as is necessary to prevent the death or serious physical injury.

31 (b) "Transferee" means a person who is not a gun dealer or licensed as a manufacturer or
32 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

33 (c) "Transferor" means a person who is not a gun dealer or licensed as a manufacturer or
34 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

35 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor
36 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as
37 described in subsection (3) of this section.

38 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except
39 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the
40 transferee must appear in person before a gun dealer, with the firearm, and request that the gun
41 dealer perform a criminal background check on the transferee.

42 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may
43 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated
44 by the transferee, and the transferor need not appear before the gun dealer in person.

45 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request

1 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with
2 all requirements of federal law.

3 (d) If, upon completion of a criminal background check, the gun dealer:

4 (A) Receives a unique approval number from the Department of State Police indicating that the
5 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the
6 firearm into the gun dealer's inventory and transfer the firearm to the transferee.

7 (B) Receives notification that the transferee is prohibited by state or federal law from possessing
8 or receiving the firearm, the gun dealer shall notify the transferor and neither the transferor nor
9 the gun dealer shall transfer the firearm to the transferee. If the transferor shipped or delivered the
10 firearm to the gun dealer pursuant to paragraph (b) of this subsection, the gun dealer shall comply
11 with federal law when returning the firearm to the transferor.

12 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this
13 section.

14 (4) The requirements of subsections (2) and (3) of this section do not apply to:

15 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement
16 officer, private security professional or member of the Armed Forces of the United States, while that
17 person is acting within the scope of official duties.

18 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law
19 enforcement agency receives or purchases firearms from members of the public.

20 (c) The transfer of a firearm to:

21 (A) A transferor's spouse or domestic partner;

22 (B) A transferor's parent or stepparent;

23 (C) A transferor's child or stepchild;

24 (D) A transferor's sibling;

25 (E) A transferor's grandparent;

26 (F) A transferor's grandchild;

27 (G) A transferor's aunt or uncle;

28 (H) A transferor's first cousin;

29 (I) A transferor's niece or nephew; or

30 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-
31 agraph.

32 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided
33 that:

34 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS
35 111.005, or a trustee of a trust created in a will; and

36 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph
37 (c) of this subsection.

38 **(e) The transfer of a firearm to a museum as defined in ORS 358.415.**

39 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class
40 A misdemeanor.

41 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the
42 requirements of this section commits a Class B felony if the transferor has a previous conviction
43 under this section at the time of the offense.

44
45

CAPTIONS

