

# Senate Bill 655

Sponsored by Senator OLSEN

## SUMMARY

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

Directs Department of State Police to create and maintain list of states in which requirements to obtain concealed handgun license or permit are substantially similar to requirements in Oregon.

Provides person licensed to carry concealed handgun in another state with protections provided to person with Oregon concealed handgun license if other state has requirements for obtaining license that are substantially similar to Oregon's requirements.

Authorizes Superintendent of State Police to enter into agreement with concealed handgun license issuing authority of other state if agreement is necessary for license reciprocity.

## A BILL FOR AN ACT

1  
2 Relating to persons with concealed handgun licenses from other states; creating new provisions; and  
3 amending ORS 166.173, 166.260, 166.262, 166.370, 166.375, 166.380, 166.663 and 821.240.

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

5 **SECTION 1. (1) The Department of State Police shall create and maintain a list of states**  
6 **in which the requirements to obtain a concealed handgun license or permit are substantially**  
7 **similar to the requirements described in ORS 166.291 (1). The department shall update the**  
8 **list at least once each year.**

9 **(2) The department shall provide the list described in subsection (1) of this section to all**  
10 **law enforcement agencies within this state.**

11 **(3) The department shall make the list described in subsection (1) of this section available**  
12 **to the public without charge on an Internet website.**

13 **(4) The Superintendent of State Police is authorized to enter into a reciprocal agreement**  
14 **with a state or local law enforcement agency or court that issues concealed handgun licenses**  
15 **or permits in another state, or another issuing authority of that state, if the state is on the**  
16 **list described in subsection (1) of this section and such an agreement is necessary to allow**  
17 **residents of each state who hold valid concealed handgun licenses or permits to lawfully**  
18 **possess a concealed handgun in each state.**

19 **(5) The department may adopt rules to carry out the provisions of this section.**

20 **SECTION 2. ORS 166.173 is amended to read:**

21 166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-  
22 session of loaded firearms in public places as defined in ORS 161.015.

23 (2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

24 (a) A law enforcement officer.

25 (b) A member of the military in the performance of official duty.

26 (c) A person **who is** licensed **under ORS 166.291 and 166.292** to carry a concealed handgun.

27 **(d) A person who is authorized to carry a concealed handgun pursuant to a valid license**  
28 **or permit that was issued, in a state on the list described in section 1 of this 2017 Act, by a**

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

1 **state or local law enforcement agency, a court or another issuing authority of that state.**

2 [(d)] (e) A person authorized to possess a loaded firearm while in or on a public building or  
 3 court facility under ORS 166.370.

4 [(e)] (f) An employee of the United States Department of Agriculture, acting within the scope  
 5 of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

6 [(f)] (g) An honorably retired law enforcement officer, unless the person who is a retired law  
 7 enforcement officer has been convicted of an offense that would make the person ineligible to obtain  
 8 a concealed handgun license under ORS 166.291 and 166.292.

9 **SECTION 3.** ORS 166.260 is amended to read:

10 166.260. (1) ORS 166.250 does not apply to or affect:

11 (a) A parole and probation officer, police officer or reserve officer, as those terms are defined  
 12 in ORS 181A.355.

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

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

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

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

23 (f) Active or reserve members of:

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

26 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

27 (C) The Public Health Service of the United States Department of Health and Human Services,  
 28 when detailed by proper authority for duty with the Army or Navy of the United States.

29 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS  
 30 166.250 from the United States, or from this state.

31 (h) Duly authorized military or civil organizations while parading, or the members thereof when  
 32 going to and from the places of meeting of their organization.

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

34 **(j) A person who is authorized to carry a concealed handgun pursuant to a valid license**  
 35 **or permit that was issued, in a state on the list described in section 1 of this 2017 Act, by a**  
 36 **state or local law enforcement agency, a court or another issuing authority of that state.**

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

39 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
 40 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

45 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-

1 turning from a hunting or fishing expedition.

2 (4) The exceptions listed in subsection (1)(d) to [(i)] (j) of this section constitute affirmative de-  
 3 fenses to a charge of violating ORS 166.250.

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

5 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or  
 6 (b) or 166.370 (1) if the person has in the person's immediate possession:

7 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292;

8 **(2) A valid license or permit that was issued, in a state on the list described in section**  
 9 **1 of this 2017 Act, by a state or local law enforcement agency, a court or another issuing**  
 10 **authority of that state, and that authorizes the person to carry a concealed handgun;**

11 [(2)] (3) Proof that the person is a law enforcement officer; or

12 [(3)] (4) Proof that the person is an honorably retired law enforcement officer, unless the person  
 13 has been convicted of an offense that would make the person ineligible to obtain a concealed  
 14 handgun license under ORS 166.291 and 166.292.

15 **SECTION 5.** ORS 166.370 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

45 (e) An honorably retired law enforcement officer.

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

3 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

4 **(h) A person who is authorized to carry a concealed handgun pursuant to a valid license**  
5 **or permit that was issued, in a state on the list described in section 1 of this 2017 Act, by a**  
6 **state or local law enforcement agency, a court or another issuing authority of that state.**

7 [(h)] (i) A person who is authorized by the officer or agency that controls the public building  
8 to possess a firearm or dangerous weapon in that public building.

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

11 [(j)] (k) Possession of a firearm on school property if the firearm:

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

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

14 (4)(a) The exceptions listed in subsection (3)(d) to [(j)] (k) of this section constitute affirmative  
15 defenses to a charge of violating subsection (1) of this section.

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

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

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

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

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

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

28 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
29 166.279.

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

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

35 **SECTION 6.** ORS 166.375 is amended to read:

36 166.375. (1) Notwithstanding ORS 162.135 and 162.185 or any Department of Corrections regu-  
37 lation, rule, policy or provision of an employment contract to the contrary, if the department has  
38 not provided a secure and locked location for the storage of personal handguns and ammunition by  
39 authorized staff, authorized staff may possess a personal handgun and ammunition in the authorized  
40 staff member's personal vehicle when the vehicle is parked in a department parking lot if the au-  
41 thorized staff member:

42 (a) Is present at a public building owned or occupied by the department;

43 (b)(A) Has a valid concealed handgun license issued pursuant to ORS 166.291 and 166.292; or

44 **(B) Has a valid license or permit to carry a concealed handgun that was issued, in a state**  
45 **on the list described in section 1 of this 2017 Act, by a state or local law enforcement agency,**

1 **a court or another issuing authority of that state; and**

2 (c) Has secured the personal handgun and ammunition in a closed and locked container designed  
3 for the storage of firearms inside the vehicle.

4 (2)(a) Authorized staff may possess and store only the amount and types of ammunition author-  
5 ized by the department by written policy or rule.

6 (b) The department shall adopt written policies or rules to carry out the purposes of this section.  
7 The policies or rules shall include, at a minimum, procedures for and responsibilities of authorized  
8 staff when possessing and storing personal handguns and ammunition on property owned or occupied  
9 by the department under this section.

10 (3) As used in this section and ORS 423.045:

11 (a) "Authorized staff" means employees of the department and employees of the State Board of  
12 Parole and Post-Prison Supervision and Oregon Corrections Enterprises who are assigned to work  
13 in or at a public building owned or occupied by the department.

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

15 (c) "Vehicle" means a vehicle that is self-propelled and that is commonly known as a passenger  
16 car, van, truck or motorcycle.

17 **SECTION 7.** ORS 166.380 is amended to read:

18 166.380. (1) Except as provided in subsection (2) of this section, a peace officer may examine a  
19 firearm possessed by anyone on the person while in or on a public building to determine whether  
20 the firearm is a loaded firearm.

21 (2)(a) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun  
22 may present a valid concealed handgun license to the peace officer instead of providing the firearm  
23 to the peace officer for examination.

24 **(b) A person who is authorized to carry a concealed handgun pursuant to a valid license**  
25 **or permit that was issued, in a state on the list described in section 1 of this 2017 Act, by a**  
26 **state or local law enforcement agency, a court or another issuing authority of that state,**  
27 **may present the valid license or permit to the peace officer instead of providing the firearm**  
28 **to the peace officer for examination.**

29 **SECTION 8.** ORS 166.663 is amended to read:

30 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the  
31 possession or in the immediate physical presence of the person a bow and arrow or a firearm.

32 (2) Subsection (1) of this section does not apply to a person casting an artificial light:

33 (a) From the headlights of a motor vehicle that is being operated on a road in the usual manner.

34 (b) When the bow and arrow or firearm that the person has in the possession or immediate  
35 physical presence of the person is disassembled or stored, or in the trunk or storage compartment  
36 of the motor vehicle.

37 (c) When the ammunition or arrows are stored separate from the weapon.

38 (d) On land owned or lawfully occupied by that person.

39 (e) On publicly owned land when that person has an agreement with the public body to use that  
40 property.

41 (f) When the person is a peace officer, or is a government employee engaged in the performance  
42 of official duties.

43 (g) When the person has been issued a license under ORS 166.291 and 166.292 to carry a con-  
44 cealed handgun.

45 **(h) When the person is authorized to carry a concealed handgun pursuant to a valid li-**

1 **cense or permit that was issued, in a state on the list described in section 1 of this 2017 Act,**  
 2 **by a state or local law enforcement agency, a court or another issuing authority of that**  
 3 **state.**

4 [(h)] (i) When 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 (3) A peace officer may issue a citation to a person for a violation of subsection (1) of this sec-  
 8 tion when the violation is committed in the presence of the peace officer or when the peace officer  
 9 has probable cause to believe that a violation has occurred based on a description of the vehicle  
 10 or other information received from a peace officer who observed the violation.

11 (4) Violation of subsection (1) of this section is punishable as a Class B violation.

12 (5) As used in this section, “peace officer” has the meaning given that term in ORS 161.015.

13 **SECTION 9.** ORS 821.240 is amended to read:

14 821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle  
 15 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with  
 16 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all  
 17 arrows are in a quiver.

18 (2) Subsection (1) of this section does not apply to:

19 (a) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun;

20 **(b) A person who is authorized to carry a concealed handgun pursuant to a valid license**  
 21 **or permit that was issued, in a state on the list described in section 1 of this 2017 Act, by a**  
 22 **state or local law enforcement agency, a court or another issuing authority of that state;**

23 [(b)] (c) A law enforcement officer; or

24 [(c)] (d) An honorably retired law enforcement officer, unless the person who is a retired law  
 25 enforcement officer has been convicted of an offense that would make the person ineligible to obtain  
 26 a concealed handgun license under ORS 166.291 and 166.292.

27 (3) As used in this section, “unloaded” means:

28 (a) If the firearm is a revolver, that there is no live cartridge in the chamber that is aligned  
 29 with the hammer of the revolver;

30 (b) If the firearm is a muzzle-loading firearm, that the firearm is not capped or primed; or

31 (c) If the firearm is other than a revolver or a muzzle-loading firearm, that there is no live  
 32 cartridge in the chamber.

33 (4) The offense described in this section, operating a snowmobile or an all-terrain vehicle while  
 34 carrying a firearm or bow, is a Class B traffic violation.

35 **SECTION 10.** The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.375, 166.380,  
 36 166.663 and 821.240 by sections 2 to 9 of this 2017 Act apply to conduct occurring on or after  
 37 the effective date of this 2017 Act.