

# House Bill 2802

Sponsored by Representative G SMITH; Senator FERRIOLI

## 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**.

Grants reciprocity to persons holding concealed handgun licenses or permits issued by other states.

## A BILL FOR AN ACT

1  
2 Relating to firearm licenses; amending ORS 166.173, 166.260, 166.262 and 166.370.

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

4 **SECTION 1.** ORS 166.260 is amended to read:

5 166.260. (1) ORS 166.250 does not apply to or affect:

6 (a) Sheriffs, constables, marshals, police officers, whether active or honorably retired, parole and  
7 probation officers or other duly appointed peace officers.

8 (b) Any person summoned by any such officer to assist in making arrests or preserving the  
9 peace, while said person so summoned is actually engaged in assisting the officer.

10 (c) The possession or transportation by any merchant of unloaded firearms as merchandise.

11 (d) Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps of  
12 the United States, or of the National Guard, when on duty.

13 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS  
14 166.250 from the United States, or from this state.

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

17 (g) A corrections officer while transporting or accompanying an individual convicted of or ar-  
18 rested for an offense and confined in a place of incarceration or detention while outside the confines  
19 of the place of incarceration or detention.

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

21 (i) **A person who is not a resident of this state and has a valid license or permit that**  
22 **authorizes the person to carry a concealed handgun and that was issued by a state or local**  
23 **law enforcement agency, court or other issuing authority of another state.**

24 (2) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
25 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

30 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-  
31 turning from a hunting or fishing expedition.

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

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

4 166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-  
 5 session of loaded firearms in public places as defined in ORS 161.015.

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

7 (a) A law enforcement officer in the performance of official duty.

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

9 (c) A person licensed to carry a concealed handgun.

10 **(d) A person who is not a resident of this state and has a valid license or permit that**  
 11 **authorizes the person to carry a concealed handgun and that was issued by a state or local**  
 12 **law enforcement agency, court or other issuing authority of another state.**

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

15 **SECTION 3.** 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 (b) The presiding judge of a judicial district may enter an order permitting the possession of  
 28 specified weapons in a court facility.

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

30 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while  
 31 acting within the scope of employment.

32 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,  
 33 while the summoned person is engaged in assisting the officer.

34 (c) An active or reserve member of the military forces of this state or the United States, when  
 35 engaged in the performance of duty.

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

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

39 **(f) A person who is not a resident of this state and has a valid license or permit that**  
 40 **authorizes the person to carry a concealed firearm and that was issued by a state or local**  
 41 **law enforcement agency, court or other issuing authority of another state.**

42 [(f)] (g) Possession of a firearm on school property if the firearm:

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

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

45 (4) The exceptions listed in subsection (3)(b) to [(f)] (g) of this section constitute affirmative de-

1 fenses to a charge of violating subsection (1) of this section.

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

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

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

8 (B) By a law enforcement officer acting in the officer’s official capacity.

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

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

14 **SECTION 4.** ORS 166.370, as amended by section 36, chapter 666, Oregon Laws 2001, and sec-  
15 tion 6, chapter 614, Oregon Laws 2003, 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 (b) The presiding judge of a judicial district may enter an order permitting the possession of  
28 specified weapons in a court facility.

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

30 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while  
31 acting within the scope of employment.

32 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,  
33 while the summoned person is engaged in assisting the officer.

34 (c) An active or reserve member of the military forces of this state or the United States, when  
35 engaged in the performance of duty.

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

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

39 **(f) A person who is not a resident of this state and has a valid license or permit that**  
40 **authorizes the person to carry a concealed firearm and that was issued by a state or local**  
41 **law enforcement agency, court or other issuing authority of another state.**

42 [(f)] (g) Possession of a firearm on school property if the firearm:

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

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

45 (4) The exceptions listed in subsection (3)(b) to [(f)] (g) of this section constitute affirmative de-

1 fenses to a charge of violating subsection (1) of this section.

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

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

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

8 (B) By a law enforcement officer acting in the officer's official capacity.

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

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

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

16 **SECTION 5.** ORS 166.262 is amended to read:

17 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or  
18 (b) or 166.370 (1) if:

19 (1) The person has in the person's immediate possession a valid license to carry a firearm as  
20 provided in ORS 166.291 and 166.292; **or**

21 **(2) The person is not a resident of this state and has in the person's immediate pos-**  
22 **session a valid license or permit that authorizes the person to carry a concealed firearm and**  
23 **that was issued by a state or local law enforcement agency, court or other issuing authority**  
24 **of another state.**

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