

# Senate Bill 699

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 **as introduced**.

Modifies laws prohibiting possession of firearms in public buildings. Eliminates exemption for person with concealed handgun license if person possesses firearm in Capitol without written permission from Legislative Administrator.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to weapons; amending ORS 166.262, 166.360 and 166.370; and declaring an emergency.

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

4 **SECTION 1.** ORS 166.360 is amended to read:

5 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

6 (1) "Capitol building" means the Capitol, the State Office Building, the State Library Building,  
7 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or  
8 the Public Service Building and includes any new buildings which may be constructed on the same  
9 grounds as an addition to the group of buildings listed in this subsection.

10 (2) "Court facility" means a courthouse or that portion of any other building occupied by a  
11 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by  
12 personnel related to the operations of those courts, or in which activities related to the operations  
13 of those courts take place.

14 (3) "Loaded firearm" means:

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

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

20 (4) "Public building" means a hospital, a capitol building, a [*public or private*] school[,], as defined  
21 in ORS 339.315, a college or university, a city hall, [*or*] the residence of any state official elected  
22 by the state at large[,], **or any other building owned or occupied by a public body as defined in**  
23 **ORS 174.109** and the grounds adjacent to each such building. The term [*also includes that portion*  
24 *of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS*  
25 *297.405, other than*] **does not include** a court facility.

26 (5) "Weapon" means:

27 (a) A firearm;

28 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife  
29 other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

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

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

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

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

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

6 **SECTION 2.** ORS 166.370 is amended to read:

7 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other  
8 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be  
9 guilty of a Class C felony.

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

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

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

18 (b) The presiding judge of a judicial district may enter an order permitting the possession of  
19 specified weapons in a court facility.

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

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

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

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

27 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, **ex-**  
28 **cept as provided in subsection (5) of this section.**

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

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

33 (g) Possession of a firearm on school property if the firearm:

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

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

36 (4) **Except as provided in subsection (5) of this section,** the exceptions listed in subsection  
37 (3)(b) to (g) of this section constitute affirmative defenses to a charge of violating subsection (1) of  
38 this section.

39 **(5) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun**  
40 **may not bring a firearm into the Capitol without the written permission of the Legislative**  
41 **Administrator.**

42 [(5)(a)] (6)(a) Any person who knowingly, or with reckless disregard for the safety of another,  
43 discharges or attempts to discharge a firearm at a place that the person knows is a school shall  
44 upon conviction be guilty of a Class C felony.

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

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

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

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

6 [(6)] (7) Any weapon carried in violation of this section is subject to the forfeiture provisions  
7 of ORS 166.279.

8 [(7)] (8) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes  
9 a violation of both subsections (1) and [(5)] (6) of this section, the district attorney may charge the  
10 person with only one of the offenses.

11 [(8)] (9) As used in this section, "dangerous weapon" means a dangerous weapon as that term  
12 is defined in ORS 161.015.

13 **SECTION 3.** ORS 166.262 is amended to read:

14 166.262. **Except as provided in ORS 166.370 (5),** a peace officer may not arrest or charge a  
15 person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person's imme-  
16 diate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292.

17 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
19 **on its passage.**

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