

**HOUSE MINORITY REPORT NO. 2
AMENDMENTS TO
A-ENGROSSED SENATE BILL 941**

By Nonconcurring Members of COMMITTEE ON RULES

April 29

1 On page 1 of the printed A-engrossed bill, line 2, after “provisions;” delete the rest of the line
2 and delete lines 3 and 4 and insert “and amending ORS 166.250, 166.270, 166.416, 166.425 and
3 166.470.”.

4 Delete lines 6 through 20 and delete pages 2 through 23 and insert:

5 “**SECTION 1.** ORS 166.250 is amended to read:

6 “166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
7 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits
8 the crime of unlawful possession of a firearm if the person knowingly:

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

10 “(b) Possesses a handgun that is concealed and readily accessible to the person within any ve-
11 hicle; or

12 “(c) Possesses a firearm and:

13 “(A) Is under 18 years of age;

14 “(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
15 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
16 volving violence, as defined in ORS 166.470; and

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

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

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

21 “(E) Was found to be a person with mental illness and subject to an order under ORS 426.130
22 that the person be prohibited from purchasing or possessing a firearm as a result of that mental
23 illness; or

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

25 “(2) This section does not prohibit:

26 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
27 sessed a firearm:

28 “(A) Other than a handgun, if the firearm was transferred to the minor by the minor’s parent
29 or guardian or by another person with the consent of the minor’s parent or guardian; or

30 “(B) Temporarily for hunting, target practice or any other lawful purpose; or

31 “(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
32 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
33 and subsection (1) of this section, from owning, possessing or keeping within the person’s place of
34 residence or place of business any handgun, and no permit or license to purchase, own, possess or

1 keep any such firearm at the person's place of residence or place of business is required of any such
2 citizen. As used in this subsection, 'residence' includes a recreational vessel or recreational vehicle
3 while used, for whatever period of time, as residential quarters.

4 "(3) Firearms carried openly in belt holsters are not concealed within the meaning of this sec-
5 tion.

6 "(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
7 cessible within the meaning of this section if the handgun is within the passenger compartment of
8 the vehicle.

9 "(b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no
10 storage location that is outside the passenger compartment of the vehicle, a handgun is not readily
11 accessible within the meaning of this section if:

12 "(A) The handgun is stored in a closed and locked glove compartment, center console or other
13 container; and

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

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

18 "(A) The handgun is in a locked container within or affixed to the vehicle; or

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

21 "(5)(a) Unlawful possession of a firearm **as described in subsection (1)(a), (b) or (c)(A) of this**
22 **section** is a Class A misdemeanor.

23 "**(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of a firearm**
24 **as described in subsection (1)(c)(B) to (F) of this section is a Class C felony.**

25 "**SECTION 2.** ORS 166.250, as amended by section 11a, chapter 826, Oregon Laws 2009, section
26 2, chapter 662, Oregon Laws 2011, and section 7, chapter 360, Oregon Laws 2013, is amended to
27 read:

28 "166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
29 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm
30 if the person knowingly:

31 "(a) Carries any firearm concealed upon the person;

32 "(b) Possesses a handgun that is concealed and readily accessible to the person within any ve-
33 hicle; or

34 "(c) Possesses a firearm and:

35 "(A) Is under 18 years of age;

36 "(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
37 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
38 volving violence, as defined in ORS 166.470; and

39 "(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
40 charged under this section;

41 "(C) Has been convicted of a felony;

42 "(D) Was committed to the Oregon Health Authority under ORS 426.130;

43 "(E) Was found to be a person with mental illness and subject to an order under ORS 426.130
44 that the person be prohibited from purchasing or possessing a firearm as a result of that mental
45 illness; or

1 “(F) Has been found guilty except for insanity under ORS 161.295 of a felony.

2 “(2) This section does not prohibit:

3 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
4 ssessing a firearm:

5 “(A) Other than a handgun, if the firearm was transferred to the minor by the minor’s parent
6 or guardian or by another person with the consent of the minor’s parent or guardian; or

7 “(B) Temporarily for hunting, target practice or any other lawful purpose; or

8 “(b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
9 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
10 and subsection (1) of this section, from owning, possessing or keeping within the person’s place of
11 residence or place of business any handgun, and no permit or license to purchase, own, possess or
12 keep any such firearm at the person’s place of residence or place of business is required of any such
13 citizen. As used in this subsection, ‘residence’ includes a recreational vessel or recreational vehicle
14 while used, for whatever period of time, as residential quarters.

15 “(3) Firearms carried openly in belt holsters are not concealed within the meaning of this sec-
16 tion.

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

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

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

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

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

29 “(A) The handgun is in a locked container within or affixed to the vehicle; or

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

32 “(5)(a) Unlawful possession of a firearm **as described in subsection (1)(a), (b) or (c)(A) of this**
33 **section** is a Class A misdemeanor.

34 “(b) **Notwithstanding paragraph (a) of this subsection, unlawful possession of a firearm**
35 **as described in subsection (1)(c)(B) to (F) of this section is a Class C felony.**

36 “**SECTION 3.** ORS 166.270 is amended to read:

37 “166.270. (1) Any person who has been convicted of a felony under the law of this state or any
38 other state, or who has been convicted of a felony under the laws of the Government of the United
39 States, who owns or has in the person’s possession or under the person’s custody or control any
40 firearm commits the crime of felon in possession of a firearm.

41 “(2) Any person who has been convicted of a felony under the law of this state or any other
42 state, or who has been convicted of a felony under the laws of the Government of the United States,
43 who owns or has in the person’s possession or under the person’s custody or control any instrument
44 or weapon having a blade that projects or swings into position by force of a spring or by centrifugal
45 force or any blackjack, slungshot, sandclub, sandbag, sap glove, metal knuckles or an Electro-

1 Muscular Disruption Technology device as defined in ORS 165.540, or who carries a dirk, dagger
2 or stiletto, commits the crime of felon in possession of a restricted weapon.

3 “(3) For the purposes of this section, a person ‘has been convicted of a felony’ if, at the time
4 of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it
5 was committed. Such conviction shall not be deemed a conviction of a felony if:

6 “(a) The court declared the conviction to be a misdemeanor at the time of judgment; or

7 “(b) The offense was possession of marijuana and the conviction was prior to January 1, 1972.

8 “(4) Subsection (1) of this section does not apply to any person who has been:

9 “(a) Convicted of only one felony under the law of this state or any other state, or who has been
10 convicted of only one felony under the laws of the United States, which felony did not involve
11 criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon
12 having a blade that projects or swings into position by force of a spring or by centrifugal force, and
13 who has been discharged from imprisonment, parole or probation for said offense for a period of 15
14 years prior to the date of alleged violation of subsection (1) of this section; or

15 “(b) Granted relief from the disability under 18 U.S.C. 925(c) or ORS 166.274 or has had the
16 person’s record expunged under the laws of this state or equivalent laws of another jurisdiction.

17 “(5) Felon in possession of a firearm is a Class [C] B felony. Felon in possession of a restricted
18 weapon is a Class A misdemeanor.

19 “**SECTION 4.** ORS 166.416 is amended to read:

20 “166.416. (1) **As used in this section:**

21 “(a) **‘Ammunition’ means a cartridge, shell or projectile designed to be expelled from a**
22 **firearm.**

23 “(b) **‘Licensed dealer’ means a person who is licensed pursuant to 18 U.S.C. 923 to engage**
24 **in the business of dealing in firearms.**

25 “(c) **‘Materially false information’ means information that represents or portrays that**
26 **an unlawful firearm transaction is lawful.**

27 “(d) **‘Private seller’ means a person who sells or offers for sale a firearm as defined in**
28 **ORS 166.210 or ammunition.**

29 “[1] (2) A person commits the crime of providing false information in connection with a
30 transfer of a firearm if the person knowingly:

31 “(a) Provides to a licensed dealer or private seller a false name or materially false informa-
32 tion or presents false identification in connection with a purchase or transfer of a firearm[,] or
33 ammunition, with the intent to deceive the dealer or seller about the lawfulness of the pur-
34 chase or transfer; or

35 “(b) Solicits, persuades, encourages or entices a licensed dealer or private seller of
36 firearms or ammunition to sell a firearm or ammunition under circumstances that the per-
37 son knows would violate state or federal law.

38 “[2] (3) Providing false information in connection with a transfer of a firearm is a Class [A
39 misdemeanor] C felony.

40 “(4) This section does not apply to a law enforcement officer acting in the performance
41 of official duties or to a person acting at the direction of the officer.

42 “**SECTION 5.** ORS 166.425 is amended to read:

43 “166.425. (1) A person commits the crime of unlawfully purchasing a firearm if the person,
44 knowing that the person is prohibited by state law from owning or possessing the firearm or having
45 the firearm under the person’s custody or control, purchases or attempts to purchase the firearm.

1 “(2) Unlawfully purchasing a firearm is a Class [A *misdemeanor*] **C felony**.

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

3 “166.470. (1) Unless relief has been granted under ORS 166.274 or section 5, chapter 826, Oregon
4 Laws 2009, or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another
5 jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the
6 transferor knows or reasonably should know that the recipient:

7 “(a) Is under 18 years of age;

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

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

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

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

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

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

19 “(h) Has been found guilty except for insanity under ORS 161.295 of a felony.

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

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

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

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

27 “(4) Violation of this section is a Class [A *misdemeanor*] **C felony**.

28 “**SECTION 7.** ORS 166.470, as amended by section 11, chapter 826, Oregon Laws 2009, and
29 section 11, chapter 360, Oregon Laws 2013, is amended to read:

30 “166.470. (1) Unless relief has been granted under ORS 166.274 or 18 U.S.C. 925(c) or the
31 expunction laws of this state or an equivalent law of another jurisdiction, a person may not inten-
32 tionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
33 should know that the recipient:

34 “(a) Is under 18 years of age;

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

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

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

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

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

42 “(g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
43 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
44 this paragraph, ‘misdemeanor involving violence’ means a misdemeanor described in ORS 163.160,
45 163.187, 163.190, 163.195 or 166.155 (1)(b); or

