

**SB 978 A STAFF MEASURE SUMMARY****Carrier:** Sen. Prozanski, Sen. Burdick**Senate Committee On Judiciary**


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**Action Date:** 04/09/19  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 4-3-0-0  
**Yeas:** 4 - Fagan, Gelser, Manning Jr, Prozanski  
**Nays:** 3 - Bentz, Linthicum, Thatcher  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Gillian Fischer, Counsel  
**Meeting Dates:** 4/2, 4/9

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**WHAT THE MEASURE DOES:**

**Age restrictions:** Allows gun dealers or individuals in the business of repairing or servicing firearms to establish a minimum age of 18-21 years for the purchase of firearms or firearm-related accessories. Exempts gun dealers or individuals in the business of repairing or servicing firearms from restrictions prohibiting discrimination based on age. Applies to all causes of action under ORS 659A.403, whether arising before, on or after the effective date of this 2019 Act. **Firearm Storage:** Requires a firearm to have an engaged trigger or cable lock, or be stored in a locked container when being transferred from one individual to another. Makes a Class C violation offense for each firearm transferred in violation of this provision. Provides strict liability for injury that occurs within two years as a result of a transfer made in violation of this section. Requires the Oregon Health Authority to establish by rule minimum specifications for trigger locks, cable locks, and containers equipped with tamper-resistant locks no later than January 1, 2020. Creates the crime of unlawful storage of a firearm. Provides that a person who leaves a firearm in a location where they reasonably know or should know a minor is likely to gain access and a minor does gain access to the firearm commits a Class C violation. Creates exceptions when the firearm is properly stored. Makes unlawful storage of a firearm a Class A violation if a minor obtains a firearm in violation of this act and the minor exhibits the firearm in a manner that attempts to place another in fear of imminent serious physical injury. Makes unlawful storage of a firearm is a Class A misdemeanor if the minor obtains possession of the firearm in violation of this act and the minor injures or kills another person. Requires a gun dealer to post notice at place of business that firearm owners have an obligation to store firearms in a safe manner to prevent unsupervised access by a minor. **Report of Lost or Stolen Firearm:** Requires a person who owns, possesses or controls a firearm to report a loss or theft of the firearm to law enforcement as soon as practicable, but not later than 72 hours from the time the person knew or reasonably should have known of the loss or theft. Allows for exception to 72 hours if no means of reporting reasonably available. Makes a Class B violation for each firearm an individual fails to report lost or stolen. Establishes strict liability for injury caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this section. **Supervision of Minors:** Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm. Establishes strict liability for injury to a person or property caused by a minor's use of a firearm transferred in violation of this section. Provides exceptions for transfers to a minor for unsupervised hunting-related activities by youth with appropriate licensure and permission from a parent or guardian. **Unfinished Frames or Receivers:** Includes unfinished frames or receivers in definition of firearm for purposes of background check prior to transfer. See ORS 166.412. Prohibits the possession, manufacture, assembly, import, or sale of untraceable or downloadable firearms and makes violation a Class B felony unless person is federally licensed to manufacture firearms and does so in compliance with federal regulations. Prohibits the import and sale of an unfinished frame or receiver and makes violation a Class B felony unless a person is federally licensed and does so in compliance

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with federal regulations. Provides that it is a Class C felony if a person knowingly possess an unfinished frame or receiver that is not serialized in accordance with federal regulations. Adds unfinished frame or receiver to the crime of unlawful possession of a firearm under ORS 166.250. States that a person is prohibited from possessing a firearm if they have two or more convictions of unlawful storage of a firearm under section 12 of this 2019 act.

**Data Collection:** Provides that each licensed hospital shall submit to the Oregon Health Authority (OHA) emergency department records relating the patient discharge and outcome for any patient receiving treatment for an injury caused by a firearm. Requires OHA to establish standards for data collection. **Fees:** Allows county sheriff to charge a fee equal to the Federal Bureau of Investigation fee for conducting a nationwide fingerprint check of an applicant for a concealed handgun license. **Public Buildings:** Provides authority to a city, county, metropolitan service district, ports operating an airport servicing passenger terminal that has at least 2 million passenger boardings per year, and school districts and colleges to adopt ordinances regulating possession of firearms in public buildings and property owned by the authority by persons licensed to carry a concealed handgun, limiting the affirmative defense provided in ORS 166.370(3)(g). Excludes parking lots or drop off areas of airports, schools, and other public buildings from area subject to public ordinances restricting ability to carry a concealed weapon. **Museum Transfers:** Exempts from required background checks listed in ORS 166.435 a firearm transfer to a museum as defined in ORS 358.415. Reduces from a Class B misdemeanor to a Class A violation provisions relating to access to unsecured firearms by a minor. Takes effect 91st day following adjournment sine die.

### **ISSUES DISCUSSED:**

- Promotes safe storage of firearms
- Strict liability for injuries to encourage compliance with storage and transfer requirements
- Creates exceptions for recreational use activities where compliance requirements are overly cumbersome
- Parking lot exclusions included to allow for pick up and drop offs at public buildings and airports without violating potential future ordinances
- Child suicide rates increase when guns are accessible

### **EFFECT OF AMENDMENT:**

Replaces the measure.

### **BACKGROUND:**

According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2017, 486 people in the United States died of unintentional gun injuries. 23,854 people committed suicide with a gun and 14,542 people were intentionally killed by gun injuries. About 10 percent of these deaths were children. Among U.S. adolescents and young adults 10-24 years old, gun homicides are the third leading cause of death; gun suicides are the second. In 2010, 15,576 children were treated for gun injuries in U.S. emergency departments, and 1,970 of them died. The medical cost of treating gun injuries in children alone was over \$330 million in 2010.

Studies have found that adolescents' risk for suicide increases as their access to firearms increases. Suicide attempts in children are more likely to be successful when they have access to lethal weapons: 90 percent of suicide attempts with guns are successful, compared to less than 5 percent of suicide attempts using less lethal means, like medications or sharp objects. The risk for unintentional injury and suicide in children is reduced by 73 percent when guns are kept locked, and by 70 percent when they are kept unloaded.

Stolen guns represent a significant factor contributing to gun violence. More than 237,000 guns nationwide were reported stolen to the National Crime Information Center in 2016, a database maintained by the FBI. That represents a 68 percent increase in stolen weapons reported to the FBI since 2005. In addition, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has estimated that 500,000 guns are stolen annually from residences, many of which are never reported. A 2010 study by Mayors Against Illegal Guns found that, per capita,

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states without lost or stolen reporting laws are the source of more than 2.5 times as many crime guns recovered in other states as states with a lost or stolen reporting requirement.

Senate Bill 978 A establishes standards for the transfer, storage, and reporting loss or theft of firearms. SB 978 A also creates prohibitions of possession and manufacture of firearms that are undetectable or untraceable in accordance with current federally established standards.