

Senate Bill 275

Sponsored by Senators MANNING JR, RILEY, Representative SALINAS; Senators DEMBROW, FREDERICK, GOLDEN, MONNES ANDERSON, ROBLAN, STEINER HAYWARD, TAYLOR, WAGNER (Pre-session filed.)

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**.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container except in specified circumstances. Punishes violation by maximum of \$500 fine. If minor obtains unsecured firearm as result of violation, punishes by maximum of \$2,000 fine. Provides that person who does not secure firearm as required is strictly liable for injury to person or property within four years after violation.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm except in specified circumstances. Punishes violation by maximum of \$500 fine. Provides that person who transfers firearm without securing firearm is strictly liable for injury to person or property within four years after violation.

Requires person to report loss or theft of firearm within 24 hours of time person knew or should have known of loss or theft. Punishes violation of requirement by maximum of \$1,000 fine.

Requires person transferring firearm to minor to directly supervise minor's use of firearm unless minor is owner of firearm. Provides that person who does not supervise minor as required is strictly liable for injury to person or property caused by minor's use of firearm.

Directs Attorney General to specify by rule minimum specifications for trigger and cable locks and locked containers required by Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearm safety requirements; and declaring an emergency.

3 Whereas on December 11, 2012, 54-year-old Cindy Ann Yuille and 45-year-old Steven Forsyth
4 were shot and killed in the Clackamas Town Center with a stolen AR-15 style assault weapon; and

5 Whereas the assault rifle used to kill Cindy Ann Yuille and Steven Forsyth had been stolen after
6 being left unsecured with a fully loaded 30 round ammunition magazine by its lawful owner; and

7 Whereas the lawful owner of the assault rifle failed to report the weapon stolen to any law
8 enforcement agency upon discovering the theft of the weapon; and

9 Whereas the lawful owner of the weapon used in the Clackamas Town Center shooting had no
10 legal obligation under Oregon law to safely secure the firearm or to report the theft of the weapon;
11 and

12 Whereas on average 10 children under the age of 18 commit suicide in Oregon each year with
13 firearms that were not safely stored and secured to prevent child access; and

14 Whereas Oregon has a per capita suicide rate above the national average; and

15 Whereas the percentage of suicides that are firearm suicides in Oregon is also above the na-
16 tional average; and

17 Whereas a proven barrier to the impulse to commit suicide is securing firearms with a lock or
18 storing firearms in locked containers; and

19 Whereas there are a number of children who are injured in Oregon each year with firearms that
20 were not safely stored and secured to prevent child access; and

21 Whereas the lack of a safe storage law in Oregon contributed to more than 22,000 firearms being
22 lost or stolen in Oregon over the past 10 years; and

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 Whereas two-thirds of all school shootings in the United States from 1974 through 2000 involved
 2 weapons taken by the attackers from their home or from the home of a relative, and many of these
 3 shootings would have been prevented if the firearms used had been secured and safely stored; and

4 Whereas simple common-sense actions including safely storing and transferring firearms,
 5 promptly reporting to law enforcement officials the loss or theft of firearms and supervising children
 6 when they use firearms would prevent many deaths and injuries in Oregon; and

7 Whereas the Cindy Yuille and Steven Forsyth Act can be effective in significantly reducing gun
 8 violence and suicide in Oregon without imposing criminal penalties; and

9 Whereas everyone has the right to be free from gun violence; now, therefore,

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

11 **SECTION 1. Sections 2 to 7 of this 2019 Act shall be known and may be cited as the Cindy**
 12 **Yuille and Steve Forsyth Act.**

13 **SECTION 2. As used in sections 2 to 7 of this 2019 Act:**

14 (1)(a) **“Container” means a box, case, chest, locker, safe or other similar receptacle.**

15 (b) **“Container” does not include a building, room or vehicle or a space within a vehicle.**

16 (2) **“Control” means, in relation to a firearm, that a person is in sufficiently close prox-**
 17 **imity to the firearm to prevent another person from obtaining the firearm.**

18 (3) **“Firearm” has the meaning given that term in ORS 166.210, except that it does not**
 19 **include a firearm that has been rendered permanently inoperable.**

20 (4) **“Law enforcement agency” has the meaning given that term in ORS 166.525.**

21 (5) **“Minor” means a person under 18 years of age.**

22 (6) **“Transfer” means to deliver a firearm and includes but is not limited to the sale, gift,**
 23 **loan or lease of a firearm.**

24 **SECTION 3. (1)(a) A person who owns or possesses a firearm shall secure the firearm:**

25 (A) **With an engaged trigger or cable lock that meets or exceeds the minimum specifi-**
 26 **cations established by the Attorney General under section 7 of this 2019 Act; or**

27 (B) **In a locked container, equipped with a tamper-resistant lock, that meets or exceeds**
 28 **the minimum specifications established by the Attorney General under section 7 of this 2019**
 29 **Act.**

30 (b) **For purposes of paragraph (a) of this subsection, a firearm is not secured if a key,**
 31 **combination or other means of opening a lock or container is readily available to a person**
 32 **the owner or possessor has not authorized to carry or control the firearm.**

33 (2) **Subsection (1) of this section does not apply to a firearm carried by or under the**
 34 **control of:**

35 (a) **The owner or possessor of the firearm; or**

36 (b) **A person authorized by the owner or possessor to carry or control the firearm.**

37 (3)(a) **Except as provided in paragraph (b) of this subsection, a violation of subsection (1)**
 38 **of this section is a Class C violation.**

39 (b) **If a minor obtains an unsecured firearm as a result of a violation of subsection (1)**
 40 **of this section and the owner or possessor of the firearm knew or should have known that**
 41 **a minor could gain unauthorized access to the unsecured firearm, the violation is a Class A**
 42 **violation.**

43 (c) **Each firearm owned or possessed in violation of subsection (1) of this section consti-**
 44 **tutes a separate violation.**

45 (4)(a) **If a person obtains an unsecured firearm as a result of the owner or possessor of**

1 a firearm violating subsection (1) of this section and the firearm is used to injure a person
2 or property within four years of the violation, the owner or possessor of the firearm who
3 violated subsection (1) of this section is strictly liable for the injury.

4 (b) If a person authorized by the owner or possessor of a firearm to carry or control a
5 firearm uses the firearm to injure a person or property, the owner or possessor who au-
6 thorized the person to carry or control the firearm is strictly liable for the injury.

7 (5) The liability imposed by subsection (4) of this section does not apply if the injury re-
8 sults from a lawful act of self-defense or defense of another person.

9 **SECTION 4.** (1) A person who transfers a firearm shall transfer the firearm:

10 (a) With an engaged trigger or cable lock that meets or exceeds the minimum specifica-
11 tions established by the Attorney General under section 7 of this 2019 Act; or

12 (b) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds
13 the minimum specifications established by the Attorney General under section 7 of this 2019
14 Act.

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

16 (a) Persons in the course of lawful hunting.

17 (b) Persons using a firearm on a public or private shooting range, shooting gallery or
18 other area designed and built for the purpose of target shooting.

19 (c) Persons using a firearm in the course of target shooting on public land that is not
20 inside an urban growth boundary or the boundary of a city, if the discharge will not endanger
21 persons or property.

22 (3)(a) A violation of subsection (1) of this section is a Class C violation.

23 (b) Each firearm transferred in violation of subsection (1) of this section constitutes a
24 separate violation.

25 (4) If a firearm transferred in a manner that violates subsection (1) of this section is used
26 to injure a person or property within four years of the violation, the owner or possessor of
27 the firearm who transferred the firearm in violation of subsection (1) of this section is
28 strictly liable for the injury.

29 (5) The liability imposed by subsection (4) of this section does not apply if the injury re-
30 sults from a lawful act of self-defense or defense of another person.

31 **SECTION 5.** (1)(a) A person who owns, possesses or controls a firearm shall report the
32 loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss
33 or theft occurred within 24 hours of the time the person knew or should have known of the
34 loss or theft.

35 (b) If a means of reporting a loss or theft of a firearm within 24 hours is not reasonably
36 available, the person who owned, possessed or controlled the firearm that was lost or stolen
37 must report the loss or theft within four hours of the means of reporting becoming available.

38 (c) A report under this subsection must include the serial number of the firearm.

39 (2)(a) A violation of subsection (1) of this section is a Class B violation.

40 (b) Each firearm for which a person does not make the report within the time required
41 by subsection (1) of this section constitutes a separate violation.

42 (3) If a lost or stolen firearm is used to injure a person or property and the person who
43 owned, possessed or controlled the firearm at the time of the loss or theft did not report the
44 loss or theft within the time period required by subsection (1) of this section, the person who
45 owned, possessed or controlled the firearm at the time of the loss or theft is strictly liable

1 for the injury for four years from the expiration of the time limit for reporting.

2 (4) The liability imposed by subsection (3) of this section does not apply if the injury re-
3 sults from a lawful act of self-defense or defense of another person.

4 **SECTION 6.** (1) A person who transfers to a minor a firearm that the minor does not own
5 must directly supervise the minor's use of the firearm.

6 (2) A person who transfers to a minor a firearm that the minor does not own, and who
7 fails to directly supervise the minor's use of the firearm, is strictly liable for injury to person
8 or property caused by the minor's use of the firearm.

9 (3) The liability imposed by subsection (2) of this section does not apply if the injury re-
10 sults from a lawful act of self-defense or defense of another person.

11 (4) Notwithstanding ORS 166.250, except in the case of a lawful act of self-defense or de-
12 fense of another person, a minor may possess a firearm the minor does not own only under
13 the direct supervision of an adult.

14 **SECTION 7.** No later than January 1, 2020, the Attorney General shall adopt rules es-
15 tablishing the minimum specifications for trigger locks, cable locks and containers equipped
16 with tamper-resistant locks required by sections 3 and 4 of this 2019 Act.

17 **SECTION 8.** Sections 2 to 6 of this 2019 Act become operative on January 1, 2020.

18 **SECTION 9.** This 2019 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
20 on its passage.

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