

Senate Bill 87

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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**.

Allows gun dealer or person transferring firearm, ammunition or firearm component at gun show to establish minimum age for purchase of firearms, ammunition or firearm components, provided that minimum age is at least 21 years.

Raises minimum age at which person may purchase firearm to 21 years of age.

Creates exemption from antidiscrimination statute for enforcement of laws governing purchase of firearms by persons under 21 years of age and enforcement of polices that impose age-based restrictions on purchase of firearms, ammunition or firearm components in place of public accommodation.

A BILL FOR AN ACT

1
2 Relating to the minimum age requirement for transfer of firearms; creating new provisions; and
3 amending ORS 166.250, 166.460, 166.470 and 659A.403.

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

5 **SECTION 1. (1) A gun dealer or a person transferring a firearm, ammunition or a firearm**
6 **component at a gun show may establish a minimum age for the purchase of firearms, am-**
7 **munition or firearm components, provided that the minimum age is at least 21 years.**

8 **(2) As used in this section:**

9 **(a) "Antique firearm" has the meaning given that term in ORS 166.210.**

10 **(b) "Firearm" has the meaning given that term in ORS 166.210 but does not include an**
11 **antique firearm.**

12 **(c) "Firearm component" means any part of a firearm material to the function of the**
13 **firearm, or any device or attachment that increases the rate of fire of a firearm or that**
14 **enhances the shooting accuracy of a firearm.**

15 **(d) "Gun dealer" has the meaning given that term in ORS 166.412.**

16 **(e) "Gun show" has the meaning given that term in ORS 166.432.**

17 **SECTION 2. ORS 166.250 is amended to read:**

18 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,
19 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession
20 of a firearm if the person knowingly:

21 (a) Carries any firearm concealed upon the person;

22 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
23 cle; or

24 (c) Possesses a firearm and:

25 (A) Is under 18 years of age;

26 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
27 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-

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 involving violence, as defined in ORS 166.470; and

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

4 (C) Has been convicted of a felony;

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

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

8 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
9 or possessing a firearm;

10 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; or

11 (H) The possession of the firearm by the person is prohibited under ORS 166.255.

12 (2) This section does not prohibit[.]

13 *[(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from possess-*
14 *ing a firearm.]*

15 *[(A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or*
16 *guardian or by another person with the consent of the minor's parent or guardian; or]*

17 *[(B) Temporarily for hunting, target practice or any other lawful purpose; or]*

18 *[(b)]* any citizen of the United States over the age of 18 years who resides in or is temporarily
19 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
20 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
21 residence or place of business any handgun, and no permit or license to purchase, own, possess or
22 keep any such firearm at the person's place of residence or place of business is required of any such
23 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
24 while used, for whatever period of time, as residential quarters.

25 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

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

29 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
30 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
31 sible within the meaning of this section if:

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

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

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

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

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

41 (5) Unlawful possession of a firearm is a Class A misdemeanor.

42 **SECTION 3.** ORS 166.470 is amended to read:

43 166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or
44 the expunction laws of this state or an equivalent law of another jurisdiction, a person may not in-
45 tentiously sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably

1 should know that the recipient:

- 2 (a) Is under [18] **21** years of age;
- 3 (b) Has been convicted of a felony;
- 4 (c) Has any outstanding felony warrants for arrest;
- 5 (d) Is free on any form of pretrial release for a felony;
- 6 (e) Was committed to the Oregon Health Authority under ORS 426.130;
- 7 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
- 8 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
- 9 of that mental illness;
- 10 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
- 11 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
- 12 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
- 13 163.187, 163.190, 163.195 or 166.155 (1)(b);
- 14 (h) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
- 15 or possessing a firearm; or
- 16 (i) Has been found guilty except for insanity under ORS 161.295 of a felony.

17 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or

18 reasonably should know is stolen.

19 *[(3) Subsection (1)(a) of this section does not prohibit:]*

20 *[(a) The parent or guardian, or another person with the consent of the parent or guardian, of a*

21 *minor from transferring to the minor a firearm, other than a handgun; or]*

22 *[(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other*

23 *lawful purpose.]*

24 *[(4)]* (3) Violation of this section is a Class A misdemeanor.

25 **SECTION 4.** ORS 166.460 is amended to read:

26 166.460. (1) ORS 166.250, 166.260, 166.291 to 166.295, 166.410, 166.412, 166.425, 166.434, 166.438,

27 *[and]* 166.450 **and 166.470 (1)(a)** do not apply to antique firearms.

28 (2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique

29 firearm by a person described in ORS 166.250 (1)(c)(B) to (D) or (G) constitutes a violation of ORS

30 166.250.

31 **SECTION 5.** ORS 659A.403 is amended to read:

32 659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-

33 diction of this state are entitled to the full and equal accommodations, advantages, facilities and

34 privileges of any place of public accommodation, without any distinction, discrimination or re-

35 striction on account of race, color, religion, sex, sexual orientation, national origin, marital status

36 or age if the individual is of age, as described in this section, or older.

37 (2) Subsection (1) of this section does not prohibit:

38 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and

39 the frequenting by minors of places of public accommodation where alcoholic beverages are served;

40 (b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475B.015,

41 by persons under 21 years of age and the frequenting by persons under 21 years of age of places

42 of public accommodation where marijuana items are sold; *[or]*

43 (c) The offering of special rates or services to persons 50 years of age or older[.];

44 **(d) The enforcement of laws governing the minimum age requirement for the purchase**

45 **of a firearm, as defined in section 1 of this 2019 Act, by persons under 21 years of age at a**

1 **place of public accommodation where firearms are sold; or**

2 **(e) A gun dealer or person transferring a firearm, ammunition or a firearm component**
3 **at a gun show from, pursuant to section 1 of this 2019 Act, enforcing minimum age re-**
4 **strictions on the purchase of firearms, ammunition or firearm components.**

5 (3) It is an unlawful practice for any person to deny full and equal accommodations, advantages,
6 facilities and privileges of any place of public accommodation in violation of this section.

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