PROPOSED AMENDMENTS TO
SENATE BILL 978

In line 2 of the printed bill, after “firearms” insert “; creating new pro-
visions; amending ORS 166.210, 166.250, 166.262, 166.274, 166.291, 166.360,
166.370, 166.412, 166.435, 166.470 and 659A.403; and prescribing an effective
date”.

Delete lines 4 through 9 and insert:

“MINIMUM AGE FOR FIREARM SALES

“SECTION 1. (1) The following may establish a minimum age of 18,
19, 20 or 21 years for the purchase of firearms, firearm accessories,
firearm components, ammunition or ammunition components, or for
the repair or service of a firearm:

“(a) A person transferring a firearm, a firearm accessory, a firearm
component, ammunition or an ammunition component at a gun show;
“(b) A gun dealer; or
“(c) A business engaged in repairing or servicing a firearm.
“(2) As used in this section and ORS 659A.403:
“(a) ‘Antique firearm’ has the meaning given that term in ORS
“(b) ‘Ammunition component’ includes primers, powder and acces-
sories that are used to create, modify or reload ammunition.
“(c) ‘Firearm’ has the meaning given that term in ORS 166.210 but does not include an antique firearm.

“(d) ‘Firearm accessory’ means any device that attaches to a firearm, or that is used in or facilitates the operation of a firearm, including but not limited to stocks, grips, detachable magazines and speedloaders.

“(e) ‘Firearm component’ means any part of a firearm that is material to the function of the firearm.

“(f) ‘Gun dealer’ has the meaning given that term in ORS 166.412.

“(g) ‘Gun show’ has the meaning given that term in ORS 166.432.

“SECTION 2. ORS 659A.403 is amended to read:

“659A.403. (1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is of age, as described in this section, or older.

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

“(a) The enforcement of laws governing the consumption of alcoholic beverages by minors and the frequenting by minors of places of public accommodation where alcoholic beverages are served;

“(b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475B.015, by persons under 21 years of age and the frequenting by persons under 21 years of age of places of public accommodation where marijuana items are sold; [or]

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

“(d) The following from enforcing minimum age restrictions, pursuant to section 1 of this 2019 Act, on the purchase of firearms,
firearm accessories, firearm components, ammunition or ammunition
components:

“(A) A person transferring a firearm, a firearm accessory, a firearm
component, ammunition or an ammunition component at a gun show;
or

“(B) A gun dealer; or

“(e) A business engaged in the repairing and servicing of firearms
from enforcing minimum age restrictions, pursuant to section 1 of this
2019 Act, for the repair or service of a firearm.

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

“(4) The definitions in section 1 of this 2019 Act apply to this sec-
tion.

“SECTION 3. (1) Except as provided in subsection (2) of this section,
the amendments to ORS 659A.403 by section 2 of this 2019 Act apply
to all causes of action under ORS 659A.403, whether arising before, on
or after the effective date of this 2019 Act.

“(2)(a) The amendments to ORS 659A.403 by section 2 of this 2019
Act do not apply to any action under ORS 659A.403 for which a final
judgment has been entered into before the effective date of this 2019
Act.

“(b) As used in this subsection, ‘final judgment’ means a judgment
for which the time to appeal has expired without any party filing an
appeal or that is not subject to further appeal or review.

“FIREARM STORAGE, LOSS OR THEFT REPORTING AND ACCESS
BY MINORS

“SECTION 4. Sections 5 to 10 of this 2019 Act shall be known and
may be cited as the Cindy Yuille and Steve Forsyth Act.

“SECTION 5. As used in sections 5 to 10 of this 2019 Act:

“(1) ‘Authorized person’ means a person authorized by the owner or possessor of a firearm to carry or control the firearm.

“(2)(a) ‘Container’ means a box, case, chest, locker, safe or other similar receptacle.

“(b) ‘Container’ does not include a building, room or vehicle or a space within a vehicle.

“(3) ‘Control’ means, in relation to a firearm, that a person is in sufficiently close proximity to the firearm to prevent another person from obtaining the firearm.

“(4) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include a firearm that has been permanently inoperable.

“(5) ‘Gun dealer’ has the meaning given that term in ORS 166.412.

“(6) ‘Gun room’ means an area within a building enclosed by walls, a floor and a ceiling, including a closet, that has all entrances secured by a tamper-resistant lock, that is kept locked at all times when unoccupied and that is used for:

“(a) The storage of firearms, ammunition, components of firearms or ammunition, or equipment for firearm-related activities including but not limited to reloading ammunition, gunsmithing and firearm cleaning and maintenance; or

“(b) Conducting firearm-related activities, including but not limited to reloading ammunition, gunsmithing and firearm cleaning and maintenance.

“(7) ‘Law enforcement agency’ has the meaning given that term in ORS 166.525.

“(8) ‘Minor’ means a person under 18 years of age.

“(9)(a) ‘Transfer’ means the delivery of a firearm from a person to
a recipient, neither of whom is a gun dealer or is licensed as a manufacturer or importer under 18 U.S.C. 923, including, but not limited to, the sale, gift, loan or lease of the firearm.

“(b) ‘Transfer’ does not include:

“(A) The temporary provision of a firearm by a person to a recipient other than a minor if the person has no reason to believe the recipient is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and the provision occurs:

“(i) At a shooting range, shooting gallery or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class or a similar lawful activity;

“(ii) For the purpose of hunting, trapping or target shooting, during the time in which the recipient is engaged in activities related to hunting, trapping or target shooting;

“(iii) Under circumstances in which the recipient and the firearm are in the presence of the person;

“(iv) To a recipient who is in the business of repairing firearms, for the time during which the firearm is being repaired;

“(v) To a recipient who is in the business of making or repairing custom accessories for firearms, for the time during which the accessories are being made or repaired; or

“(vi) For the purpose of preventing imminent death or serious physical injury, and the provision lasts only as long as is necessary to prevent the death or serious physical injury; or

“(B) A delivery of a firearm made inoperable for the specific purpose of being used as a prop in the making a motion picture, television, digital or similar production.

“SECTION 6. (1)(a) A person who owns or possesses a firearm shall, at all times that the firearm is not carried by or under the control of the person or an authorized person, secure the firearm:
“(A) With an engaged trigger lock or cable lock that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act;

“(B) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act; or

“(C) In a gun room.

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

“(2)(a) A violation of subsection (1) of this section is a Class C violation.

“(b) Each firearm owned or possessed in violation of subsection (1) of this section constitutes a separate violation.

“(3) If a person obtains an unsecured firearm as a result of the owner or possessor of a firearm violating subsection (1) of this section and the firearm is used to injure a person or property within two years of the violation, the owner or possessor of the firearm who violated subsection (1) of this section is strictly liable for the injury.

“(4) The liability imposed by subsection (3) of this section does not apply if:

“(a) The injury results from a lawful act of self-defense or defense of another person; or

“(b) The unsecured firearm was obtained:

“(A) At a shooting range, shooting gallery or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class or a similar lawful activity;

“(B) For the purpose of hunting, trapping or target shooting, during the time in which the person is engaged in activities related to hunt-
ing, trapping or target shooting;

“(C) Under circumstances in which the person and the firearm are in the presence of the owner or possessor of the firearm;

“(D) By a person who is in the business of repairing firearms, for the purpose of repairing the firearm;

“(E) By a person who is in the business of making or repairing custom accessories for firearms, for the purpose of making or repairing the accessories; or

“(F) From a person who is a gun dealer or is licensed as a manufacturer or importer under 18 U.S.C. 923, in accordance with federal law.

SECTION 7. (1) A person transferring a firearm shall transfer the firearm:

“(a) With an engaged trigger lock or cable lock that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act; or

“(b) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act.

“(2)(a) A violation of subsection (1) of this section is a Class C violation.

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

“(3) If a firearm transferred in a manner that violates subsection (1) of this section is used to injure a person or property within two years of the violation, the owner or possessor of the firearm who transferred the firearm in violation of subsection (1) of this section is strictly liable for the injury.

“(4) The liability imposed by subsection (3) of this section does not apply if the injury results from a lawful act of self-defense or defense
SECTION 8. (1)(a) A person who owns, possesses or controls a firearm shall report the loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss or theft occurred as soon as practicable but not later than 72 hours of the time the person knew or reasonably should have known of the loss or theft.

(b) If a means of reporting a loss or theft of a firearm within 72 hours is not reasonably available, the person who owned, possessed or controlled the firearm that was lost or stolen must report the loss or theft within 24 hours of the means of reporting becoming available.

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

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

(3) If a lost or stolen firearm is used to injure a person or property and the person who owned, possessed or controlled the firearm at the time of the loss or theft did not report the loss or theft within the time period required by subsection (1) of this section, the person who owned, possessed or controlled the firearm at the time of the loss or theft is strictly liable for the injury for two years from the expiration of the time limit for reporting or until the loss or theft report is made, whichever occurs sooner.

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

(5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law enforcement agency shall provide the information concerning the lost or stolen firearm to the Department of State Police.
“(b) The department shall enter the information concerning the lost or stolen firearm into the Law Enforcement Data System or another electronic database as determined by the department.

“(c) The department may adopt rules to carry out the provisions of this subsection.

“SECTION 9. (1)(a) A person who transfers a firearm to a minor shall directly supervise the minor’s use of the firearm.

“(b) Notwithstanding ORS 166.250, except in the case of a lawful act of self-defense or defense of another person, a minor may possesses a firearm only under the direct supervision of an adult.

“(2)(a) A person who transfers a firearm to a minor, and who fails to directly supervise the minor’s use of the firearm, is strictly liable for injury to person or property caused by the minor’s use of the firearm until the person regains possession of the firearm.

“(b) The liability imposed by paragraph (a) of this subsection does not apply if the injury results from a lawful act of self-defense or defense of another person.

“(3) This section does not apply to the transfer of a firearm:

“(a) That is owned by the minor; or

“(b) To a minor by a person who is the minor’s parent or guardian or who has obtained the permission of the minor’s parent or guardian:

“(A) For the purpose of hunting in accordance with ORS 497.360, trapping or target shooting, during the time in which the minor is engaged in activities related to hunting, trapping or target shooting; and

“(B) Who holds a valid youth license under ORS 497.127 for the purposes of hunting.

“SECTION 10. No later than January 1, 2020, the Oregon Health Authority, in consultation with the Department of State Police and after considering any relevant standards in the Consumer Product
Safety Act (15 U.S.C. 2051 et seq.), shall adopt rules establishing the minimum specifications for trigger locks, cable locks and containers equipped with tamper-resistant locks required by sections 6 and 7 of this 2019 Act.


“SECTION 12. (1) A person commits the offense of unlawful storage of a firearm if:

“(a) The person stores or leaves a firearm in a location where the person knows, or reasonably should know, that a minor under 18 years of age is likely to gain access to the firearm; and

“(b) A minor under 18 years of age obtains possession of the firearm.

“(2)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection, unlawful storage of a firearm is a Class C violation.

“(b) Unlawful storage of a firearm is a Class A violation if the minor who obtains possession of the firearm intentionally, by word or conduct, attempts to place another person in fear of imminent serious physical injury.

“(c) Unlawful storage of a firearm is a Class A misdemeanor if the minor who obtains possession of the firearm injures or kills a person by means of the firearm.

“(3) Subsection (1) of this section does not apply if:

“(a) The minor obtains possession of the firearm while under the direct supervision of the minor’s parent or guardian;

“(b) The minor obtains possession of the firearm:

“(A) In a lawful act of self-defense or defense of another person;

or

“(B) Through the illegal act of any person other than the person described in subsection (1)(a) of this section;
“(c) The firearm is equipped with a trigger lock or other safe storage device;

“(d) The firearm is stored in a securely locked container or in a location that a reasonable person would believe to be secure;

“(e) The firearm is rendered inoperable by the removal of an essential component of the firing mechanism; or

“(f) The person is a peace officer or member of the military forces of this state or the United States and the minor obtained the firearm during, or incidental to, the performance of the person’s duties.

“(4) As used in this section, ‘firearm’ has the meaning given that term in ORS 166.210.

SECTION 13. A gun dealer shall post in a prominent location in the gun dealer’s place of business a notice, in block letters not less than one inch in height, that states: ‘The purchaser of a firearm has an obligation to store firearms in a safe manner and to prevent unsupervised access to a firearm by a minor. If a minor obtains access to a firearm and the owner failed to store the firearm in a safe manner, the owner may be guilty of a crime.’

“UNDETECTABLE AND UNTRACEABLE FIREARMS

SECTION 14. ORS 166.412, as amended by section 4, chapter 5, Oregon Laws 2018, and section 15, chapter 120, Oregon Laws 2018, is amended to read:

“166.412. (1) As used in this section:

“(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;

“(b) ‘Department’ means the Department of State Police;

“(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not include an antique firearm;

“(d) ‘Firearms transaction record’ means the firearms transaction record
required by 18 U.S.C. 921 to 929;

“(e) ‘Firearms transaction thumbprint form’ means a form provided by the department under subsection (11) of this section;

“(f) ‘Gun dealer’ means a person engaged in the business, as defined in 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or otherwise; [and]

“(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a firearm or unfinished frame or receiver from a gun dealer[.]; and

“(h) ‘Unfinished frame or receiver’ has the meaning given that term in ORS 166.210.

“(2) Except as provided in subsections (3)(c) and (12) of this section, a gun dealer shall comply with the following before a firearm or unfinished frame or receiver is delivered to a purchaser:

“(a) The purchaser shall present to the gun dealer current identification meeting the requirements of subsection (4) of this section.

“(b) The gun dealer shall complete the firearms transaction record and obtain the signature of the purchaser on the record.

“(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction thumbprint form and attach the form to the gun dealer’s copy of the firearms transaction record to be filed with that copy.

“(d) The gun dealer shall request by telephone that the department conduct a criminal history record check on the purchaser and shall provide the following information to the department:

“(A) The federal firearms license number of the gun dealer;

“(B) The business name of the gun dealer;

“(C) The place of transfer;

“(D) The name of the person making the transfer;

“(E) The make, model, caliber and manufacturer’s number of the firearm being transferred or a description of the unfinished frame or receiver being transferred;
“(F) The name and date of birth of the purchaser;
“(G) The Social Security number of the purchaser if the purchaser voluntarily provides this number to the gun dealer; and
“(H) The type, issuer and identification number of the identification presented by the purchaser.
“(e) The gun dealer shall receive a unique approval number for the transfer from the department and record the approval number on the firearms transaction record and on the firearms transaction thumbprint form.
“(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the completion of the firearms transaction thumbprint form.
“(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the department shall immediately, during the gun dealer’s telephone call or by return call:
“(A) Determine, from criminal records and other information available to it, whether the purchaser is disqualified under ORS 166.470 from completing the purchase; and
“(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or provide the gun dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.
“(b) If the department is unable to determine if the purchaser is qualified or disqualified from completing the transfer within 30 minutes, the department shall notify the gun dealer and provide the gun dealer with an estimate of the time when the department will provide the requested information.
“(c) If the department fails to provide a unique approval number to a gun dealer or to notify the gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close of the gun dealer’s next business day following the request by the gun dealer for a criminal history record check, the gun dealer may deliver the firearm or unfinished frame or receiver to the purchaser.
“(4)(a) Identification required of the purchaser under subsection (2) of this
section shall include one piece of current identification bearing a photograph and the date of birth of the purchaser that:

“(A) Is issued under the authority of the United States Government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization or an international quasi-governmental organization; and

“(B) Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual.

“(b) If the identification presented by the purchaser under paragraph (a) of this subsection does not include the current address of the purchaser, the purchaser shall present a second piece of current identification that contains the current address of the purchaser. The Superintendent of State Police may specify by rule the type of identification that may be presented under this paragraph.

“(c) The department may require that the gun dealer verify the identification of the purchaser if that identity is in question by sending the thumbprints of the purchaser to the department.

“(5) The department shall establish a telephone number that shall be operational seven days a week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun dealers for a criminal history record check under this section.

“(6) No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section provided the employee, official or agency acts in good faith and without malice.

“(7)(a) The department may retain a record of the information obtained during a request for a criminal history record check for no more than five years.

“(b) The record of the information obtained during a request for a criminal history record check by a gun dealer is exempt from disclosure under public records law.
“(c) If the department determines that a purchaser is prohibited from possessing a firearm under ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser’s name and any other personally identifiable information to all federal, state and local law enforcement agencies and district attorneys that have jurisdiction over the location or locations where the attempted transfer was made and where the purchaser resides.

“(d) If the department determines that, based on the judgment of conviction, the purchaser is prohibited from possessing a firearm as a condition of probation or that the purchaser is currently on post-prison supervision or parole, the department shall report the attempted transfer to the purchaser’s supervising officer and the district attorney of the county in which the conviction occurred.

“(e) If the department determines that the purchaser is prohibited from possessing a firearm due to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer to the court that issued the order.

“(f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric Security Review Board, the department shall report the attempted transfer to the board.

“(g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours after the determination is made, unless a report would compromise an ongoing investigation, in which case the report may be delayed as long as necessary to avoid compromising the investigation.

“(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney’s office that received a report pursuant to paragraph (c) of this subsection during the previous calendar year shall inform the department of any action that was taken concerning the report and the outcome of the action.

“(i) The department shall annually publish a written report, based on any information received under paragraph (h) of this subsection, detailing the
following information for the previous year:

“(A) The number of purchasers whom the department determined were prohibited from possessing a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

“(B) The number of reports made pursuant to paragraph (c) of this subsection;

“(C) The number of investigations arising from the reports made pursuant to paragraph (c) of this subsection, the number of investigations concluded and the number of investigations referred for prosecution, all arranged by category of prohibition; and

“(D) The number of criminal charges arising from the reports made pursuant to paragraph (c) of this subsection and the disposition of the charges, both arranged by category of prohibition.

“(8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of firearms and unfinished frames or receivers with the consent of a gun dealer in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

“(9) When a firearm is delivered, it shall be unloaded.

“(10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State Police may adopt rules necessary for:

“(a) The design of the firearms transaction thumbprint form;

“(b) The maintenance of a procedure to correct errors in the criminal records of the department;

“(c) The provision of a security system to identify gun dealers that request a criminal history record check under subsection (2) of this section; and

“(d) The creation and maintenance of a database of the business hours of gun dealers.

“(11) The department shall publish the firearms transaction thumbprint
form and shall furnish the form to gun dealers on application at cost.

“(12) This section does not apply to transactions between persons licensed as dealers under 18 U.S.C. 923.

“(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a criminal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for providing the service.

“(b) A gun dealer that requests a criminal background check under this subsection is immune from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or transferee, provided that the gun dealer requests the criminal background check as described in this section.

“SECTION 15. Sections 16 and 17 of this 2019 Act are added to and made part of ORS 166.250 to 166.270.

“SECTION 16. (1) As used in this section:

“(a) ‘Security exemplar’ has the meaning given that term in 18 U.S.C. 922.

“(b) ‘Undetectable firearm’ means a firearm:

“(A) Constructed or produced, including through a three-dimensional printing process, entirely of nonmetal substances;

“(B) That is not as detectable as 3.7 ounces of 17-4 PH of stainless steel, or as the security exemplar, by a walk-through metal detector or magnetometer after all parts other than major components have been removed; or

“(C) That includes a major component that, if the firearm were subjected to inspection by the types of X-ray machines or detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component.

“(2) A person who knowingly manufactures or causes to be manufactured within this state, imports into this state, or offers for sale, sells or transfers, an undetectable firearm commits a Class B felony.
“(3) A person who knowingly possesses an undetectable firearm commits a Class A misdemeanor.

“SECTION 17. (1) As used in this section:

“(a) ‘Antique firearm’ and ‘unfinished frame or receiver’ have the meanings given those terms in ORS 166.210.

“(b) ‘Untraceable firearm’ means a firearm other than an antique firearm for which the sale or distribution chain, from a licensed retailer to the point of first retail sale, cannot be traced by a law enforcement agency by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer in accordance with 18 U.S.C. 923(i) and all regulations issued under the authority of 18 U.S.C. 923(i), including but not limited to 27 C.F.R. 478.92.

“(2) A person who knowingly possesses, manufactures, assembles, causes to be manufactured or assembled, imports into this state, offers for sale, sells or transfers an untraceable firearm commits a Class B felony.

“(3) A person who knowingly imports into this state, offers for sale, sells or transfers an unfinished frame or receiver commits a Class B felony unless:

“(a) The person is a federally licensed gun dealer;

“(b) The name of the manufacturer and an individual serial number is conspicuously placed on the unfinished frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C. 923(i), including but not limited to 27 C.F.R. 478.92; and

“(c) The person maintains records relating to the unfinished frame or receiver in accordance with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and all regulations issued under the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to 478.134.
“(4) A person who knowingly possesses an unfinished frame or receiver that is not serialized as provided in subsection (3)(b) of this section commits a Class C felony, unless:

“(a) The person is a federally licensed gun manufacturer; and

“(b) The unfinished frame or receiver is an unfinished part within a manufacturing process that includes serialization.

“PROHIBITED POSSESSION AND TRANSFER

“SECTION 18. ORS 166.210 is amended to read:

“166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470:

“(1) ‘Antique firearm’ means:

“(a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and

“(b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

“(A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

“(B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade.

“(2) ‘Corrections officer’ has the meaning given that term in ORS 181A.355.

“(3) ‘Firearm’ means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder.

“(4) ‘Firearms silencer’ means any device for silencing, muffling or diminishing the report of a firearm.

“(5) ‘Frame or receiver’ means the part of a firearm that provides
housing for the hammer, bolt or breechlock and firing mechanism and that is usually threaded at its forward portion to receive the barrel.

“[(5)] (6) ‘Handgun’ means any pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

“[(6)] (7) ‘Machine gun’ means a weapon of any description by whatever name known, loaded or unloaded, which is designed or modified to allow two or more shots to be fired by a single pressure on the trigger device.

“[(7)] (8) ‘Minor’ means a person under 18 years of age.

“[(8)] (9) ‘Offense’ has the meaning given that term in ORS 161.505.

“[(9)] (10) ‘Parole and probation officer’ has the meaning given that term in ORS 181A.355.

“[(10)] (11) ‘Peace officer’ has the meaning given that term in ORS 133.005.

“[(11)] (12) ‘Short-barreled rifle’ means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

“[(12)] (13) ‘Short-barreled shotgun’ means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if the weapon has an overall length of less than 26 inches.

“(14)(a) ‘Unfinished frame or receiver’ means a partially completed frame or receiver consisting of a blank, casting or machined body that:

“(A) Requires further machining or molding to be used as part of a functional firearm; and

“(B) Is designed and intended to be used in the assembly of a functional firearm.

“(b) ‘Unfinished frame or receiver’ does not include:

“(A) A component designed and intended for use in an antique firearm;

“(B) A piece of material that has solely had its chemical composi-
tion altered; or

“(C) A piece of material that has had its size or shape altered solely to facilitate transportation or storage.

“SECTION 19. ORS 166.250 is amended to read:

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

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

“(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle; [or]

“(c) Possesses a firearm and:

“(A) Is under 18 years of age;

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

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

“(C) Has been convicted of a felony;

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

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

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

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

“(H) The possession of the firearm by the person is prohibited under ORS 166.255[.]; or

“(I) Has two or more convictions of unlawful storage of a firearm
under section 12 of this 2019 Act; or

“(d) Possesses an unfinished frame or receiver and is prohibited from possessing firearms under paragraph (c) of this subsection.

“(2) This section does not prohibit:

“(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from possessing a firearm:

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

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

or

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

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

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

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

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

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

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

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

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

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

SECTION 20. ORS 166.470 is amended to read:

“166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably should know that the recipient:

“(a) Is under 18 years of age;

“(b) Has been convicted of a felony;

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

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

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

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

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

“(h) Is presently subject to an order under ORS 426.133 prohibiting the
person from purchasing or possessing a firearm; [or]

“(i) Has been found guilty except for insanity under ORS 161.295 of a felony[.]; or

“(j) Has been convicted of unlawful storage of a firearm under section 12 of this 2019 Act within the five years immediately preceding the date of the attempted sale, delivery or transfer.

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

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

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

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

“(4) Violation of this section is a Class A misdemeanor.

**SECTION 21.** ORS 166.274 is amended to read:

“166.274. (1) Except as provided in subsection (11) of this section, a person barred from possessing or receiving a firearm may file a petition for relief from the bar in accordance with subsection (2) of this section if:

“(a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A), (C), [or] (H) or (I) or 166.270; or

“(b) The person is barred from receiving a firearm under ORS 166.470 (1)(a) or (b) or, if the person has been convicted of a misdemeanor involving violence, ORS 166.470 (1)(g).

“(2) A petition for relief described in this section must be filed in the circuit court in the petitioner’s county of residence.

“(3) A person may apply once per calendar year for relief under the provisions of this section.

“(4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:
“(A) The city chief of police if the court in which the petition is filed is located in a city; or

“(B) The sheriff of the county in which the court is located.

“(b) The copy of the petition shall be served on the chief of police or sheriff at the same time the petition is filed at the court.

“(5)(a) When a petition is denied, the judge shall cause that information to be entered into the Department of State Police computerized criminal history files.

“(b) When a petition is granted, the judge shall cause that information and a fingerprint card of the petitioner to be entered into the Department of State Police computerized criminal history files. If, after a petition is granted, the petitioner is arrested and convicted of a crime that would disqualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall notify the court that granted relief under this section. The court shall review the order granting relief and determine whether to rescind the order. The Department of State Police may charge a reasonable fee, under ORS 192.324, for the entry and maintenance of information under this section.

“(6) Notwithstanding the provisions of ORS 9.320, a party that is not a natural person, the state or any city, county, district or other political subdivision or public corporation in this state, without appearance by attorney, may appear as a party to an action under this section.

“(7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner does not pose a threat to the safety of the public or the petitioner.

“(8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall then make findings and conclusions and issue a judgment based on the findings and conclusions in
1 accordance with the requirements of law.
2 “(9) A person filing a petition under this section must pay the filing fee
3 established under ORS 21.135.
4 “(10)(a) Initial appeals of petitions shall be heard de novo.
5 “(b) Any party to a judgment under this subsection may appeal to the
6 Court of Appeals in the same manner as for any other civil action.
7 “(c) If the governmental entity files an appeal under this subsection and
8 does not prevail, it shall be ordered to pay the attorney fees for the pre-
9 vailing party.
10 “(11) The court may not grant relief under this section to a person who:
11 “(a) Has been convicted of a person felony, as that term is defined in the
12 rules of the Oregon Criminal Justice Commission, or the statutory counter-
13 part to a person felony in any other jurisdiction, if the offense involved the
14 use of a firearm or a deadly weapon as defined in ORS 161.015;
15 “(b) Has been convicted of an offense listed in ORS 137.700 or the statu-
16 tory counterpart to an offense listed in ORS 137.700 in any other jurisdiction;
17 or
18 “(c) Is currently serving a felony sentence as defined in ORS 10.030 or
19 has served a felony sentence in the one-year period preceding the filing of
20 the petition.
21
22 “FIREARM INJURY REPORTING
23
24 “SECTION 22. (1) The Oregon Health Authority shall obtain directly
25 from each hospital licensed to operate in this state, or from a third
26 party working on behalf of or by contract with the hospital, emergency
27 department discharge records and outcome data for any patient re-
28 ceiving treatment for an injury caused by a firearm.
29 “(2) The authority shall establish by rule standards for the data
30 obtained by the authority under this section.
“(3) The authority shall notify any entity submitting data under this section of any changes to the data sets that must be submitted, no later than July 1 of the calendar year preceding the year in which the changes become effective.

“(4) The authority may contract with a third party to receive and process the records submitted under this section.

“(5) The authority shall transfer the patient encounter data elements obtained under this section to the Oregon Trauma Registry.

“(6) Patient outcome data required to be submitted under this section includes:

“(a) Discharge status;

“(b) The diagnosis the patient received in the emergency department and any procedures performed on the patient; and

“(c) Demographic or standard health care information and other information as required by the authority by rule.

“(7) Data provided pursuant to this section shall be:

“(a) Treated as a confidential medical record and not disclosed; and

“(b) Considered privileged data under ORS 41.675 and 41.685.

“(8) Data submitted pursuant to this section may be used for quality assurance, quality improvement, epidemiological assessment and investigation, public health critical response planning, prevention activities and other purposes that the authority determines necessary.

“(9) The authority may adopt rules to carry out this section.

“CONCEALED HANDGUN LICENSE FEES

“SECTION 23. ORS 166.291 is amended to read:

“166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed handgun license, upon receipt of the appropriate fees and after compliance with the procedures set out in this section, shall issue the
person a concealed handgun license if the person:

“(a)(A) Is a citizen of the United States; or

“(B) Is a legal resident alien who can document continuous residency in
the county for at least six months and has declared in writing to the United
States Citizenship and Immigration Services the intent to acquire citizenship
status and can present proof of the written declaration to the sheriff at the
time of application for the license;

“(b) Is at least 21 years of age;

“(c) Is a resident of the county;

“(d) Has no outstanding warrants for arrest;

“(e) Is not free on any form of pretrial release;

“(f) Demonstrates competence with a handgun by any one of the follow-
ing:

“(A) Completion of any hunter education or hunter safety course approved
by the State Department of Fish and Wildlife or a similar agency of another
state if handgun safety was a component of the course;

“(B) Completion of any National Rifle Association firearms safety or
training course if handgun safety was a component of the course;

“(C) Completion of any firearms safety or training course or class avail-
able to the general public offered by law enforcement, community college,
or private or public institution or organization or firearms training school
utilizing instructors certified by the National Rifle Association or a law
enforcement agency if handgun safety was a component of the course;

“(D) Completion of any law enforcement firearms safety or training
course or class offered for security guards, investigators, reserve law
enforcement officers or any other law enforcement officers if handgun safety
was a component of the course;

“(E) Presents evidence of equivalent experience with a handgun through
participation in organized shooting competition or military service;

“(F) Is licensed or has been licensed to carry a firearm in this state, un-
less the license has been revoked; or

“(G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;

“(g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

“(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor conviction for the possession of marijuana as described in paragraph (L) of this subsection;

“(i) Has not been committed to the Oregon Health Authority under ORS 426.130;

“(j) Has not been found to be a person with mental illness and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

“(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470;

“(L) Has not been convicted of an offense involving controlled substances or participated in a court-supervised drug diversion program, except this disability does not operate to exclude a person if:

“(A) The person can demonstrate that the person has been convicted only once of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

“(B) The person can demonstrate that the person has only once completed
a drug diversion program for a marijuana possession offense that constituted
a misdemeanor or violation under the law of the jurisdiction of the offense,
and has not been convicted of a marijuana possession offense that consti-
tuted a misdemeanor or violation under the law of the jurisdiction of the
offense;

“(m) Is not subject to a citation issued under ORS 163.735 or an order
issued under ORS 30.866, 107.700 to 107.735 or 163.738;

“(n) Has not received a dishonorable discharge from the Armed Forces
of the United States;

“(o) Is not required to register as a sex offender in any state; and

“(p) Is not presently subject to an order under ORS 426.133 prohibiting
the person from purchasing or possessing a firearm.

“(2) A person who has been granted relief under ORS 166.273, 166.274 or
166.293 or 18 U.S.C. 925(c) or has had the person’s record expunged under the
laws of this state or equivalent laws of other jurisdictions is not subject to
the disabilities in subsection (1)(g) to (L) of this section.

“(3) Before the sheriff may issue a license:

“(a) The application must state the applicant’s legal name, current ad-
dress and telephone number, date and place of birth, hair and eye color and
height and weight. The application must also list the applicant’s residence
address or addresses for the previous three years. The application must con-
tain a statement by the applicant that the applicant meets the requirements
of subsection (1) of this section. The application may include the Social Se-
curity number of the applicant if the applicant voluntarily provides this
number. The application must be signed by the applicant.

“(b) The applicant must submit to fingerprinting and photographing by
the sheriff. The sheriff shall fingerprint and photograph the applicant and
shall conduct any investigation necessary to corroborate the requirements
listed under subsection (1) of this section. If a nationwide criminal records
check is necessary, the sheriff shall request the Department of State Police
to conduct the check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. The Department of State Police shall report the results of the fingerprint-based criminal records check to the sheriff. The Department of State Police shall also furnish the sheriff with any information about the applicant that the Department of State Police may have in its possession including, but not limited to, manual or computerized criminal offender information.

“(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon request. The forms shall be uniform throughout this state in substantially the following form:

________________________________________________________________________

APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date__________

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS
161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental illness and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. I am not under a court order to participate in assisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____________
Age _______ Date of birth ________
Place of birth ________________
Social Security number ____________
(Disclosure of your Social Security account number is voluntary. Solicitation of the number is authorized under ORS 166.291. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. The type of identification and the number on the identification are to be filled in by the sheriff.):

1.______________
2. __________

Height _____  Weight _____
Hair color _____  Eye color _____

Current address _______
(List residence addresses for the past three years on the back.)

City _____  County _____  Zip _____
Phone _____

I have read the entire text of this application, and the statements therein are correct and true. (Making false statements on this application is a misdemeanor.)

____________________
(Signature of Applicant)

Character references.

______________________________
Name:  Address

______________________________
Name:  Address

Approved ____  Disapproved ____ by ____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)
Date _____  Fee Paid _____
License No. _____
" ____________________________________________________________________
“(5)(a) Fees for concealed handgun licenses are:

“(A) $15 to the Department of State Police for conducting the fingerprint check of the applicant.

“(B) [§50] $65 to the sheriff for the issuance or renewal of a concealed handgun license.

“(C) [§15] $20 to the sheriff for the duplication of a license because of loss, [or] change of address or change of name.

“(D) To the sheriff, an amount equal to the fee charged by the Federal Bureau of Investigation for conducting a nationwide fingerprint check of the applicant.

“(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.

“(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.

“(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant’s name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

“(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.

“(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:

“(a) Has a current Oregon driver license issued to the person showing a residence address in the county;

“(b) Is registered to vote in the county and has a voter notification card issued to the person under ORS 247.181 showing a residence address in the county.
county;

“(c) Has documentation showing that the person currently leases or owns real property in the county; or

“(d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.

“(10) As used in this section, ‘drug diversion program’ means a program in which a defendant charged with a marijuana possession offense completes a program under court supervision and in which the marijuana possession offense is dismissed upon successful completion of the diversion program.

“SECTION 24. The amendments to ORS 166.291 by section 23 of this 2019 Act apply to applications for new concealed handgun licenses and requests for license renewal or duplication submitted on or after the effective date of this 2019 Act.

“LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC BUILDINGS

“SECTION 25. (1) A city, a county, a metropolitan service district organized under ORS chapter 268, or a port operating a commercial service airport with at least 2 million passenger boardings per calendar year may adopt an ordinance limiting or precluding the use of the affirmative defense described in ORS 166.370 (3)(g) concerning the possession of firearms in public buildings, within each entity’s respective jurisdiction, by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292.

“(2) A school district, college or university may adopt a policy limiting or precluding the use of the affirmative defense described in ORS 166.370 (3)(g) concerning the possession of firearms in public buildings by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292.
“(3) An entity that adopts an ordinance or policy under this section shall post a sign, visible to the public, identifying all locations where the affirmative defense described in ORS 166.370 (3)(g) is limited or precluded.

“(4) As used in this section, ‘public building’ has the meaning given that term in ORS 166.360.

“SECTION 26. ORS 166.360 is amended to read:

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

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

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

“(3) ‘Judge’ means a judge of a circuit court, the Court of Appeals, the Supreme Court, the Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

“(4) ‘Judicial district’ means a circuit court district established under ORS 3.012 or a justice of the peace district established under ORS 51.020.

“(5) ‘Juvenile court’ has the meaning given that term in ORS 419A.004.

“(6) ‘Loaded firearm’ means:

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

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

“(7) ‘Local court facility’ means the portion of a building in which a justice court, a municipal court, a probate court or a juvenile court conducts business, during the hours in which the court operates.

“(8) ‘Probate court’ has the meaning given that term in ORS 111.005.

“(9) ‘Public building’ means:

“(a) (A) A hospital;

“(B) A capitol building;

“(C) A public or private school, as defined in ORS 339.315;

“(D) A college or university;

“(E) A city hall; [or]

“(F) The residence of any state official elected by the state at large, [and the grounds adjacent to each such building.] if the residence is owned by the state; or

“(G) The term also includes that portion of any other building owned, occupied or controlled by an agency of the state or a municipal corporation, as defined in ORS 297.405, other than a court facility;

“(b) The grounds, other than a parking area, adjacent to a building described in paragraph (a) of this subsection;

“(c) Real property owned by a college or university; or

“(d) The passenger terminal, and grounds adjacent to the passenger terminal, of a commercial service airport that has at least 1 million passenger boardings per calendar year.

“(10) ‘Weapon’ means:

“(a) A firearm;

“(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife, other than an ordinary pocketknife with a blade less than four inches in length, the use of which could inflict injury upon a person or property;

“(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-
fined in ORS 163.211;

“(d) An electrical stun gun or any similar instrument;
“(e) A tear gas weapon as defined in ORS 163.211;
“(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property; or
“(g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

“SECTION 27. ORS 166.370 is amended to read:

“166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.
“(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:
“(A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.
“(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph is guilty, upon conviction, of a Class C felony.
“(C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to the offense, the presiding judge of the local court facility entered an order prohibiting firearms in the area in which the court conducts business and during the hours in which the court operates.
“(b) The presiding judge of a judicial district or a municipal court may enter an order permitting the possession of specified weapons in a court facility.
“(c) Within a shared court facility, the presiding judge of a municipal court or justice of the peace district may not enter an order concerning the
possession of weapons in the court facility that is in conflict with an order
entered by the presiding judge of the circuit court.
(3) Subsection (1) of this section does not apply to:
(a) A police officer or reserve officer, as those terms are defined in ORS
181A.355.
(b) A parole and probation officer, as defined in ORS 181A.355, while the
parole and probation officer is acting within the scope of employment.
(c) A federal officer, as defined in ORS 133.005, or a certified reserve
officer or corrections officer, as those terms are defined in ORS 181A.355,
while the federal officer, certified reserve officer or corrections officer is
acting within the scope of employment.
(d) A person summoned by an officer described in paragraph (a), (b) or
(c) of this subsection to assist in making an arrest or preserving the peace,
while the summoned person is engaged in assisting the officer.
(e) An honorably retired law enforcement officer.
(f) An active or reserve member of the military forces of this state or the
United States, when engaged in the performance of duty.
(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
concealed handgun, except as otherwise provided in an ordinance or
policy adopted pursuant to section 25 of this 2019 Act.
(h) A person who is authorized by the officer or agency that controls the
public building to possess a firearm or dangerous weapon in that public
building.
(i) An employee of the United States Department of Agriculture, acting
within the scope of employment, who possesses a firearm in the course of the
lawful taking of wildlife.
(j) Possession of a firearm on school property if the firearm:
(A) Is possessed by a person who is not otherwise prohibited from pos-
sessing the firearm; and
(B) Is unloaded and locked in a motor vehicle.
“(k) A person who possesses a firearm in the passenger terminal, or grounds adjacent to the passenger terminal, of a commercial service airport that has at least 1 million passenger boardings per year, if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the firearm as checked baggage in accordance with federal law.

“(4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative defenses to a charge of violating subsection (1) of this section.

“(b) A person may not use the affirmative defense described in subsection (3)(e) of this section if the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

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

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

“(A) As part of a program approved by a school in the school by an individual who is participating in the program;

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

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

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

“(7) Notwithstanding the fact that a person’s conduct in a single criminal episode constitutes a violation of both subsections (1) and (5) of this section,
the district attorney may charge the person with only one of the offenses.

“(8) As used in this section, ‘dangerous weapon’ means a dangerous weapon as that term is defined in ORS 161.015.

“SECTION 28. ORS 166.262 is amended to read:

“166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s immediate possession:

“(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, except as otherwise provided in an ordinance or policy adopted pursuant to section 25 of this 2019 Act;

“(2) Proof that the person is a law enforcement officer; or

“(3) Proof that the person is an honorably retired law enforcement officer, unless the person has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

“MUSEUM EXCEPTION FOR PRIVATE TRANSFER

BACKGROUND CHECKS

“SECTION 29. ORS 166.435 is amended to read:

“166.435. (1) As used in this section:

“(a) ‘Transfer’ means the delivery of a firearm from a transferor to a transferee, including, but not limited to, the sale, gift, loan or lease of the firearm. ‘Transfer’ does not include the temporary provision of a firearm to a transferee if the transferor has no reason to believe the transferee is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime, and the provision occurs:

“(A) At a shooting range, shooting gallery or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class or a similar lawful activity;
“(B) For the purpose of hunting, trapping or target shooting, during the
time in which the transferee is engaged in activities related to hunting,
trapping or target shooting;
“(C) Under circumstances in which the transferee and the firearm are in
the presence of the transferor;
“(D) To a transferee who is in the business of repairing firearms, for the
time during which the firearm is being repaired;
“(E) To a transferee who is in the business of making or repairing custom
accessories for firearms, for the time during which the accessories are being
made or repaired; or
“(F) For the purpose of preventing imminent death or serious physical
injury, and the provision lasts only as long as is necessary to prevent the
death or serious physical injury.
“(b) ‘Transferee’ means a person who is not a gun dealer or licensed as
a manufacturer or importer under 18 U.S.C. 923 and who intends to receive
a firearm from a transferor.
“(c) ‘Transferor’ means a person who is not a gun dealer or licensed as
a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
a firearm to a transferee.
“(2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of
this section, a transferor may not transfer a firearm to a transferee unless
the transfer is completed through a gun dealer as described in subsection (3)
of this section.
“(3)(a) A transferor may transfer a firearm to a transferee only as pro-
vided in this section. Except as provided in paragraph (b) of this subsection,
prior to the transfer both the transferor and the transferee must appear in
person before a gun dealer, with the firearm, and request that the gun dealer
perform a criminal background check on the transferee.
“(b) If the transferor and the transferee reside over 40 miles from each
other, the transferor may ship or deliver the firearm to a gun dealer located
near the transferee or a gun dealer designated by the transferee, and the
transferor need not appear before the gun dealer in person.

“(c) A gun dealer who agrees to complete a transfer of a firearm under
this section shall request a criminal history record check on the transferee
as described in ORS 166.412 and shall comply with all requirements of federal
law.

“(d) If, upon completion of a criminal background check, the gun dealer:

“(A) Receives a unique approval number from the Department of State
Police indicating that the transferee is qualified to complete the transfer, the
gun dealer shall notify the transferor, enter the firearm into the gun dealer’s
inventory and transfer the firearm to the transferee.

“(B) Receives notification that the transferee is prohibited by state or
federal law from possessing or receiving the firearm, the gun dealer shall
notify the transferor and neither the transferor nor the gun dealer shall
transfer the firearm to the transferee. If the transferor shipped or delivered
the firearm to the gun dealer pursuant to paragraph (b) of this subsection,
the gun dealer shall comply with federal law when returning the firearm to
the transferor.

“(e) A gun dealer may charge a reasonable fee for facilitating a firearm
transfer pursuant to this section.

“(4) The requirements of subsections (2) and (3) of this section do not
apply to:

“(a) The transfer of a firearm by or to a law enforcement agency, or by
or to a law enforcement officer, private security professional or member of
the Armed Forces of the United States, while that person is acting within
the scope of official duties.

“(b) The transfer of a firearm as part of a firearm turn-in or buyback
event, in which a law enforcement agency receives or purchases firearms
from members of the public.

“(c) The transfer of a firearm to:
“(A) A transferor’s spouse or domestic partner;
“(B) A transferor’s parent or stepparent;
“(C) A transferor’s child or stepchild;
“(D) A transferor’s sibling;
“(E) A transferor’s grandparent;
“(F) A transferor’s grandchild;
“(G) A transferor’s aunt or uncle;
“(H) A transferor’s first cousin;
“(I) A transferor’s niece or nephew; or
“(J) The spouse or domestic partner of a person specified in subparas-
graphs (B) to (I) of this paragraph.
“(d) The transfer of a firearm that occurs because of the death of the
dead firearm owner, provided that:
“(A) The transfer is conducted or facilitated by a personal representa-
tive, as defined in ORS 111.005, or a trustee of a trust created in a will; and
“(B) The transferee is related to the deceased firearm owner in a manner
specified in paragraph (c) of this subsection.
“(e) The transfer of a firearm to a museum as defined in ORS
358.415.
“(5)(a) A transferor who fails to comply with the requirements of this
section commits a Class A misdemeanor.
“(b) Notwithstanding paragraph (a) of this subsection, a transferor who
fails to comply with the requirements of this section commits a Class B fel-
ony if the transferor has a previous conviction under this section at the time
of the offense.

“MISCELLANEOUS

“SECTION 30. The unit captions used in this 2019 Act are provided
only for the convenience of the reader and do not become part of the
statutory law of this state or express any legislative intent in the
enactment of this 2019 Act.

“SECTION 31. This 2019 Act takes effect on the 91st day after the
date on which the 2019 regular session of the Eightieth Legislative
Assembly adjourns sine die.”.