

A-Engrossed House Bill 2005

Ordered by the House March 30
Including House Amendments dated March 30

Sponsored by Representatives REYNOLDS, GRAYBER, KROPF, EVANS, Senators MANNING JR, PROZANSKI; Representatives BOWMAN, DEXTER, FAHEY, WALTERS, Senator SOLLMAN (at the request of Attorney General Ellen F. Rosenblum) (Presession 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.

Defines "undetectable firearm." Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, \$250,000 fine, or both. Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, \$6,250 fine, or both, and 10 years' imprisonment, \$250,000 fine, or both, upon second and subsequent convictions.

Punishes possessing, offering for sale, selling or transferring firearm without serial number by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both, upon third and subsequent convictions.

Defines "unfinished frame or receiver." Requires gun dealer to conduct criminal background check before transferring unfinished frame or receiver. Punishes importing, offering for sale or transferring unfinished frame or receiver by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both, upon third and subsequent convictions. Specifies exceptions. Punishes possession of unserialized unfinished frame or receiver **occurring on or after September 1, 2024**, by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and five years' imprisonment, \$125,000 fine, or both, upon third and subsequent convictions. Provides that person commits crime if person possesses unfinished frame or receiver and is prohibited from possessing firearms. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Prohibits person under 21 years of age from possessing firearms and unfinished frames and receivers with specified exceptions. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Establishes affirmative defense for person under 21 years of age who owned firearm before effective date of Act or who relinquished firearm prior to prosecution.

Authorizes governing bodies of certain public entities that own or control public building to adopt policy, ordinance or regulation precluding affirmative defense for possession of firearm in or on public building by concealed handgun licensee. Provides that in prosecution for possession of firearm in or on public building subject to such policy, ordinance or regulation, concealed handgun licensee affirmative defense is not complete defense, but results in Class A misdemeanor conviction punishable by 364 days' imprisonment, \$6,250 fine, or both.

Prohibits person from transferring certain firearms to recipient person knows, or reasonably should know, is under 21 years of age. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Specifies exceptions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 166.210, 166.250, 166.260, 166.262,
3 166.360, 166.370, 166.377, 166.403, 166.412 and 166.470; and declaring an emergency.

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

5 **SECTION 1.** ORS 166.210 is amended to read:

6 166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470:

7 (1) "Antique firearm" means:

8 (a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type

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 of ignition system, manufactured in or before 1898; and

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

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

4 or

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

7 (2) "Corrections officer" has the meaning given that term in ORS 181A.355.

8 (3) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile
9 by the action of powder.

10 (4) "Firearms silencer" means any device for silencing, muffling or diminishing the report of a
11 firearm.

12 **(5) "Frame" means the part of a handgun, or variant of a handgun, that provides housing**
13 **or a structure for the primary energized component designed to hold back the hammer,**
14 **striker, bolt or similar element, prior to initiation of the firing sequence, even if pins or**
15 **other attachments are required to attach the component to the housing or structure.**

16 [(5)] (6) "Handgun" means any pistol or revolver using a fixed cartridge containing a propellant
17 charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

18 [(6)] (7) "Machine gun" means a weapon of any description by whatever name known, loaded
19 or unloaded, which is designed or modified to allow two or more shots to be fired by a single pres-
20 sure on the trigger device.

21 **(8) "Major component" has the meaning given that term in 18 U.S.C. 922.**

22 [(7)] (9) "Minor" means a person under 18 years of age.

23 [(8)] (10) "Offense" has the meaning given that term in ORS 161.505.

24 [(9)] (11) "Parole and probation officer" has the meaning given that term in ORS 181A.355.

25 [(10)] (12) "Peace officer" has the meaning given that term in ORS 133.005.

26 **(13) "Receiver" means the part of a rifle, shotgun or projectile weapon other than a**
27 **handgun, or a variant of a rifle, shotgun or projectile weapon other than a handgun, that**
28 **provides housing or a structure for the primary component designed to block or seal the**
29 **breech prior to initiation of the firing sequence, even if pins or other attachments are re-**
30 **quired to connect the component to the housing or structure.**

31 **(14) "Security exemplar" has the meaning given that term in 18 U.S.C. 922.**

32 [(11)] (15) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in
33 length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

34 [(12)] (16) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
35 inches in length and any weapon made from a shotgun if the weapon has an overall length of less
36 than 26 inches.

37 **(17) "Undetectable firearm" means a firearm:**

38 **(a) Constructed or produced, including through a three-dimensional printing process,**
39 **entirely of nonmetal substances;**

40 **(b) That, after removal of grips, stocks and magazines, is not as detectable as a security**
41 **exemplar by a walk-through metal detector calibrated to detect the security exemplar; or**

42 **(c) That includes a major component that, if subjected to inspection by the types of X-ray**
43 **machines commonly used at airports, would not generate an image that accurately depicts**
44 **the shape of the component.**

45 **(18)(a) "Unfinished frame or receiver" means a forging, casting, printing, extrusion, ma-**

1 **chined body or similar item that:**

2 (A) **Is designed to or may readily be completed, assembled or otherwise converted to**
3 **function as a frame or receiver; or**

4 (B) **Is marketed or sold to the public to be completed, assembled or otherwise converted**
5 **to function as a frame or receiver.**

6 (b) **“Unfinished frame or receiver” does not include a component designed and intended**
7 **for use in an antique firearm.**

8 (19) **“Variant” means a weapon that utilizes a similar frame or receiver design as another**
9 **weapon, irrespective of new or different model designations or configurations, character-**
10 **istics, features, components, accessories or attachments.**

11 **SECTION 2.** Sections 3, 4 and 5 of this 2023 Act are added to and made a part of ORS
12 **166.250 to 166.270.**

13 **SECTION 3.** (1)(a) **A person may not knowingly manufacture or cause to be manufac-**
14 **tured within this state, import into this state, or offer for sale, sell or transfer, an unde-**
15 **tectable firearm.**

16 (b) **A violation of paragraph (a) of this subsection is a Class B felony.**

17 (2)(a) **A person may not knowingly possess an undetectable firearm.**

18 (b)(A) **A violation of paragraph (a) of this subsection is a Class A misdemeanor.**

19 (B) **Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of**
20 **this subsection is a Class B felony if, at the time of the offense, the person has one or more**
21 **prior convictions under this section or section 4 or 5 of this 2023 Act.**

22 (3) **A person convicted under this section shall forfeit the undetectable firearm.**

23 (4) **As used in this section, “prior conviction” includes a conviction for a violation of-**
24 **fense.**

25 **SECTION 4.** (1) **A person may not knowingly possess, offer for sale, sell or transfer a**
26 **firearm unless the firearm has been imprinted with a serial number by a federally licensed**
27 **firearm manufacturer, importer or dealer, or a gunsmith with a federal firearms license, in**
28 **accordance with federal law.**

29 (2) **This section does not apply to:**

30 (a) **Antique firearms;**

31 (b) **Firearms manufactured prior to October 22, 1968;**

32 (c) **Firearms rendered permanently inoperable;**

33 (d) **The sale, offer to sell, or transfer of a firearm to, or possession of a firearm by, a**
34 **person licensed as a firearm manufacturer, importer or dealer under 18 U.S.C. 923; or**

35 (e) **A gunsmith taking possession of a firearm for the purpose of imprinting the firearm**
36 **with a serial number in accordance with federal law.**

37 (3)(a) **A violation of subsection (1) of this section constitutes a Class B violation.**

38 (b) **Notwithstanding paragraph (a) of this subsection, a violation of subsection (1) of this**
39 **section is a Class A misdemeanor if, at the time of the offense, the person has a prior con-**
40 **vicition under this section or section 3 or 5 of this 2023 Act.**

41 (c) **Notwithstanding paragraphs (a) and (b) of this subsection, a violation of subsection**
42 **(1) of this section is a Class B felony if, at the time of the offense, the person has two or**
43 **more prior convictions under this section or section 3 or 5 of this 2023 Act.**

44 (4) **A person convicted of any offense under this section shall forfeit the firearm.**

45 (5) **As used in this section, “prior conviction” includes a conviction for a violation of-**

1 fense.

2 **SECTION 5. (1)(a) A person may not knowingly import into this state, offer for sale, sell**
3 **or transfer an unfinished frame or receiver unless:**

4 (A) The person is licensed as a firearm dealer under 18 U.S.C. 923;

5 (B) The name of the manufacturer and an individual serial number is conspicuously
6 placed on the unfinished frame or receiver in accordance with the procedures for the se-
7 rialization of a firearm in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C.
8 923(i), including but not limited to 27 C.F.R. 478.92; and

9 (C) The person maintains records relating to the unfinished frame or receiver in ac-
10 cordance with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and
11 all regulations issued under the authority of 18 U.S.C. 923(g), including but not limited to 27
12 C.F.R. 478.121 to 478.134.

13 (b)(A) A violation of paragraph (a) of this subsection is a Class B violation.

14 (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of
15 this subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior
16 conviction under this section or section 3 or 4 of this 2023 Act.

17 (C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of para-
18 graph (a) of this subsection constitutes a Class B felony if, at the time of the offense, the
19 person has two or more prior convictions under this section or section 3 or 4 of this 2023
20 Act.

21 (2)(a) A person may not knowingly possess an unfinished frame or receiver that is not
22 serialized as provided in subsection (1)(a)(B) of this section, unless:

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

24 (B) The unfinished frame or receiver is an unfinished part within a manufacturing pro-
25 cess that includes serialization.

26 (b) A violation of paragraph (a) of this subsection occurring before September 1, 2024,
27 does not constitute an offense.

28 **SECTION 6.** ORS 166.250 is amended to read:

29 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273,
30 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession
31 of a firearm if the person knowingly:

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

33 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
34 cle; [or]

35 (c) Possesses a firearm and:

36 (A) Is under [18] 21 years of age;

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

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

42 (C) Has been convicted of a felony;

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

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

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

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

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

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

7 (2) This section does not prohibit:

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

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

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

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

20 **(b) A person who is at least 18 years of age and who is not otherwise prohibited under**
21 **subsection (1)(c)(B) to (H) of this section from possessing:**

22 **(A) A single-shot rifle, whether centerfire or rimfire;**

23 **(B) A double-barreled shotgun;**

24 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
25 **straight-pull or revolving action;**

26 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**
27 **ing only with, 0.22 caliber rimfire ammunition;**

28 **(E) A muzzleloader rifle; or**

29 **(F) A shotgun with a pump, break, lever or revolving action;**

30 **(c) A person who is at least 18 years of age years of age and who is not otherwise pro-**
31 **hibited under subsection (1)(c)(B) to (H) of this section from possessing an unfinished frame**
32 **or receiver that is serialized as required by section 5 of this 2023 Act and designed for use**
33 **in a firearm listed in paragraph (b) of this subsection; or**

34 **(d) A minor, who is not otherwise prohibited under subsection (1)(c)(B) to (H) of this**
35 **section, from possessing a firearm listed in paragraph (b) of this subsection if the firearm**
36 **was transferred to the minor by the minor's parent or guardian, or by another person with**
37 **the consent of the parent or guardian, for the purposes of hunting or target practice.**

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

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

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

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

1 container; and

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

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

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

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

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

10 **(6) It is an affirmative defense to a charge under subsection (1)(c)(A) of this section**
11 **based on the possession by a person under 21 years of age of a firearm not listed in sub-**
12 **section (2)(b) of this section that:**

13 **(a) The firearm was owned by the person before the effective date of this 2023 Act and**
14 **has been maintained in the person's control or possession since the effective date of this 2023**
15 **Act; or**

16 **(b) The person, prior to the commencement of prosecution under subsection (1)(c)(A) of**
17 **this section by arrest, citation or formal charge, permanently and voluntarily relinquished**
18 **the firearm to a law enforcement agency or to a buyback or turn-in program approved by a**
19 **law enforcement agency.**

20 **SECTION 7.** ORS 166.260 is amended to read:

21 166.260. (1) ORS 166.250 (1)(a), (b) and (c)(B) to (H) does not apply to or affect:

22 (a) A parole and probation officer, police officer or reserve officer[, *as those terms are defined*
23 *in ORS 181A.355*].

24 (b) A federal officer, [*as defined in ORS 133.005, or a*] certified reserve officer or corrections
25 officer, [*as those terms are defined in ORS 181A.355,*] while the federal officer, certified reserve of-
26 ficer or corrections officer is acting within the scope of employment.

27 (c) An honorably retired law enforcement officer, unless the person who is a retired law
28 enforcement officer has been convicted of an offense that would make the person ineligible to obtain
29 a concealed handgun license under ORS 166.291 and 166.292.

30 (d) Any person summoned by an officer described in paragraph (a) or (b) of this subsection to
31 assist in making arrests or preserving the peace, while the summoned person is engaged in assisting
32 the officer.

33 (e) The possession or transportation by any merchant of unloaded firearms as merchandise.

34 (f) Active or reserve members of:

35 (A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or of the
36 National Guard, when on duty;

37 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

38 (C) The Public Health Service of the United States Department of Health and Human Services,
39 when detailed by proper authority for duty with the Army or Navy of the United States.

40 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS
41 166.250 from the United States, or from this state.

42 (h) Duly authorized military or civil organizations while parading, or the members thereof when
43 going to and from the places of meeting of their organization.

44 (i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

45 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has

1 been granted relief from the disability under ORS 166.274.

2 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
3 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

4 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon
5 the established target ranges, whether public or private, while such members are using any of the
6 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such
7 ranges.

8 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
9 turning from a hunting or fishing expedition.

10 (4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses
11 to a charge of violating ORS 166.250.

12 **(5) ORS 166.250 (1)(c)(A) does not apply to or affect police officers, certified reserve offi-
13 cers, reserve officers or active or reserve members of the Army, Navy, Air Force, Coast
14 Guard or Marine Corps of the United States or of the National Guard.**

15 **(6) As used in this section:**

16 (a) **“Certified reserve officer,” “corrections officer,” “parole and probation officer,” “po-
17 lice officer” and “reserve officer” have the meanings given those terms in ORS 181A.355.**

18 (b) **“Federal officer” has the meaning given that term in ORS 133.005.**

19 **SECTION 8.** ORS 166.262 is amended to read:

20 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
21 (b) or 166.370 (1)(a) if the person has in the person’s immediate possession:

22 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, unless the person
23 possesses a firearm:

24 (a) Within the Capitol[,];

25 (b) Within the passenger terminal of a commercial service airport with over one million pas-
26 senger boardings per year;

27 (c) **In or on a public building subject to a policy described in ORS 166.377 (3);** or

28 (d) On school grounds subject to a policy described in ORS 166.377 (1);

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

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

33 **SECTION 9.** ORS 166.360 is amended to read:

34 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

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

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

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

45 (4) “Judicial district” means a circuit court district established under ORS 3.012 or a justice of

1 the peace district established under ORS 51.020.

2 (5) "Juvenile court" has the meaning given that term in ORS 419A.004.

3 (6) "Loaded firearm" means:

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

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

9 (7) "Local court facility" means the portion of a building in which a justice court, a municipal
10 court, a probate court or a juvenile court conducts business, during the hours in which the court
11 operates.

12 (8) "Probate court" has the meaning given that term in ORS 111.005.

13 (9) "Public building" means:

14 (a) A hospital, a capitol building, a public or private school, as defined in ORS 339.315, a college
15 or university, a city hall or the residence of any state official elected by the state at large, and the
16 grounds adjacent to each such building. The term also includes that portion of any other building
17 occupied by an agency of the state or by a city, a county, a district as defined in ORS 198.010 or
18 any other entity that falls within the definition of "municipal corporation" in ORS 297.405, other
19 than a court facility, **and the grounds adjacent to each such building**; or

20 (b) The passenger terminal of a commercial service airport with over one million passenger
21 boardings per year.

22 (10) "Weapon" means:

23 (a) A firearm;

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

27 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

28 (d) An electrical stun gun or any similar instrument;

29 (e) A tear gas weapon as defined in ORS 163.211;

30 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
31 similar instrument, the use of which could inflict injury upon a person or property; or

32 (g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

33 **SECTION 10.** ORS 166.370 is amended to read:

34 166.370. (1)(a) Any person who intentionally possesses a loaded or unloaded firearm or any other
35 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
36 guilty of a Class C felony.

37 (b) Notwithstanding paragraph (a) of this subsection, in a prosecution under this section for the
38 possession of a firearm within the Capitol, within the passenger terminal of a commercial service
39 airport with over one million passenger boardings per year, **or in or on a public building** or on
40 school grounds subject to a policy described in ORS 166.377, if the person proves by a preponder-
41 ance of the evidence that, at the time of the possession, the person was licensed under ORS 166.291
42 and 166.292 to carry a concealed handgun, upon conviction the person is guilty of a Class A
43 misdemeanor.

44 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
45 tionally possesses:

1 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
2 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
3 officer.

4 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
5 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
6 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

7 (C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to
8 the offense, the presiding judge of the local court facility entered an order prohibiting firearms in
9 the area in which the court conducts business and during the hours in which the court operates.

10 (b) The presiding judge of a judicial district or a municipal court may enter an order permitting
11 the possession of specified weapons in a court facility.

12 (c) Within a shared court facility, the presiding judge of a municipal court or justice of the
13 peace district may not enter an order concerning the possession of weapons in the court facility that
14 is in conflict with an order entered by the presiding judge of the circuit court.

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

16 (a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

17 (b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation
18 officer is acting within the scope of employment.

19 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
20 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
21 or corrections officer is acting within the scope of employment.

22 (d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to
23 assist in making an arrest or preserving the peace, while the summoned person is engaged in as-
24 sisting the officer.

25 (e) An honorably retired law enforcement officer.

26 (f) An active or reserve member of the military forces of this state or the United States, when
27 engaged in the performance of duty.

28 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, ex-
29 cept as provided in subsection (1)(b) of this section.

30 (h) A person who is authorized by the officer or agency that controls the public building to
31 possess a firearm or dangerous weapon in that public building.

32 (i) An employee of the United States Department of Agriculture, acting within the scope of em-
33 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

34 (j) Possession of a firearm on school property if the firearm:

35 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

36 (B) Is unloaded and locked in a motor vehicle.

37 (k) A person who possesses a firearm in the passenger terminal of a commercial service airport,
38 if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the
39 firearm as checked baggage in accordance with federal law.

40 (4)(a) Except as provided in subsection (1)(b) of this section, the exceptions listed in subsection
41 (3)(d) to (k) of this section constitute affirmative defenses to a charge of violating subsection (1)(a)
42 of this section.

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

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

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

5 (A) As part of a program approved by a school in the school by an individual who is partic-
6 ipating in the program;

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

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

10 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
11 166.279.

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

15 **(8) Nothing in this section prohibits the storage of a firearm in a locked vehicle in a**
16 **parking lot or parking facility that constitutes or is part of a public building so long as the**
17 **firearm is unloaded and locked in the trunk of the vehicle or in a locked container and any**
18 **ammunition is not stored in the same trunk or container as the firearm.**

19 [(8)] (9) As used in this section, "dangerous weapon" means a dangerous weapon as that term
20 is defined in ORS 161.015.

21 **SECTION 11. ORS 166.377 is added to and made a part of ORS 166.360 to 166.380.**

22 **SECTION 12.** ORS 166.377 is amended to read:

23 166.377. (1) The governing board of a public university listed in ORS 352.002, the Oregon Health
24 and Science University Board of Directors, the governing board of a community college or a district
25 school board as defined in ORS 332.002 may adopt a policy providing that the affirmative defense
26 described in ORS 166.370 (3)(g), concerning persons licensed to carry a concealed handgun under
27 ORS 166.291 and 166.292, does not apply to the possession of firearms on the grounds of the schools
28 controlled by the board.

29 (2) A board that adopts a policy under **subsection (1) of** this section shall:

30 (a) Post a clearly visible sign, at all normal points of entry to the school grounds subject to the
31 policy described in subsection (1) of this section, indicating that the affirmative defense described
32 in ORS 166.370 (3)(g) does not apply.

33 (b) Post a notice on the board's website identifying all school grounds subject to the policy de-
34 scribed in subsection (1) of this section.

35 **(3) The governing body of a city, county, district as defined in ORS 198.010 or any other**
36 **entity that falls within the definition of "municipal corporation" in ORS 297.405 may adopt**
37 **a policy, ordinance or regulation providing that the affirmative defense described in ORS**
38 **166.370 (3)(g), concerning persons licensed to carry a concealed handgun under ORS 166.291**
39 **and 166.292, does not apply to the possession of firearms in and on public buildings owned**
40 **or controlled by the governing body.**

41 (4) A governing body that adopts a policy under subsection (3) of this section shall:

42 (a) Post a clearly visible sign, at all normal points of entry to the buildings and grounds
43 subject to the policy described in subsection (3) of this section, indicating that the affirma-
44 tive defense described in ORS 166.370 (3)(g) does not apply.

45 (b) Post a notice on the governing body's website identifying all buildings and grounds

1 **subject to the policy described in subsection (3) of this section.**

2 **SECTION 13.** ORS 166.403 is amended to read:

3 166.403. (1) Except as provided in subsections (3) and (4) of this section, a person who delivers
4 or otherwise transfers a firearm to a minor shall directly supervise the minor's use of the firearm.

5 (2)(a) If a person delivers or otherwise transfers a firearm to a minor and fails to directly su-
6 pervise the minor's use of the firearm as required by subsection (1) of this section, in an action
7 against the person to recover damages for injury to a person or property caused by the minor's use
8 of the firearm, the failure to supervise constitutes negligence per se, and the presumption of
9 negligence may not be overcome by a showing that the person acted reasonably.

10 (b) Paragraph (a) of this subsection does not apply if the injury results from a lawful act of
11 self-defense or defense of another person.

12 (3) A person who delivers or otherwise transfers a firearm to a minor may delegate to another
13 person, with the consent of the other person and the minor's parent or guardian, the duty to su-
14 pervise the minor's use of the firearm. If the duty to supervise is delegated under this subsection,
15 subsection (2) of this section applies to the person assuming the duty to supervise.

16 (4)(a) This section does not apply, with respect to a particular firearm [*other than a handgun*]
17 **described in ORS 166.250 (2)(b)**, if:

18 (A) The firearm is transferred to a minor in accordance with ORS 166.470, and, as a result of
19 the transfer, the minor is the owner of the firearm; or

20 (B) The firearm is temporarily transferred to a minor by the minor's parent or guardian or by
21 another person with the consent of the minor's parent or guardian, for the purpose of hunting in
22 accordance with ORS 497.360, hunting of a predatory animal as defined in ORS 610.002 or target
23 shooting at a shooting range, shooting gallery or other area designed for the purpose of target
24 shooting.

25 (b) The exception described in paragraph (a)(B) of this subsection applies only during the time
26 in which the minor is engaged in activities related to hunting or target shooting.

27 **SECTION 14.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, is amended
28 to read:

29 166.412. (1) As used in this section:

30 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

31 (b) "Department" means the Department of State Police;

32 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include
33 an antique firearm;

34 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.
35 921 to 929;

36 (e) "Firearms transaction thumbprint form" means a form provided by the department under
37 subsection (11) of this section;

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

41 (g) "Purchaser" means a person who buys, leases or otherwise receives a firearm **or unfinished**
42 **frame or receiver** from a gun dealer[.]; **and**

43 **(h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.**

44 (2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the
45 following before a firearm **or unfinished frame or receiver** is delivered to a purchaser:

1 (a) The purchaser shall present to the gun dealer current identification meeting the require-
2 ments of subsection (4) of this section and a valid permit issued under section 4, chapter 1, Oregon
3 Laws 2023.

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

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

9 (d) The gun dealer shall, by telephone or computer, verify that the purchaser has a valid
10 permit-to-purchase a firearm issued under section 4, chapter 1, Oregon Laws 2023, and request that
11 the department conduct a criminal history record check on the purchaser and shall provide the
12 following information to the department:

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

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

15 (C) The place of transfer;

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

17 (E) The make, model, caliber and manufacturer's number of the firearm being transferred **or a**
18 **description of the unfinished frame or receiver being transferred;**

19 (F) The name and date of birth of the purchaser;

20 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this
21 number to the gun dealer; and

22 (H) The type, issuer and identification number of the identification presented by the purchaser.

23 (e) The gun dealer shall receive a unique approval number for the transfer from the department
24 and record the approval number on the firearms transaction record and on the firearms transaction
25 thumbprint form.

26 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the
27 completion of the firearms transaction thumbprint form.

28 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-
29 partment shall immediately, during the gun dealer's telephone call or by return call:

30 (A) Determine, from criminal records and other information available to it, whether the pur-
31 chaser is disqualified under ORS 166.470 from completing the purchase; and

32 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-
33 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to
34 complete the transfer.

35 (b) If the department is unable to determine if the purchaser is qualified or disqualified from
36 completing the transfer within 30 minutes, the department shall notify the gun dealer and provide
37 the gun dealer with an estimate of the time when the department will provide the requested infor-
38 mation.

39 (c) The dealer may not transfer the firearm **or unfinished frame or receiver** unless the dealer
40 receives a unique approval number from the department and, within 48 hours of completing the
41 transfer, the dealer shall notify the state that the transfer to the permit holder was completed.

42 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include
43 one piece of current identification bearing a photograph and the date of birth of the purchaser that:

44 (A) Is issued under the authority of the United States Government, a state, a political subdivi-
45 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-

1 tional governmental organization or an international quasi-governmental organization; and

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

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

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

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

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

17 (7)(a) The department may retain a record of the information obtained during a request for a
18 criminal history record check for no more than five years, except for the information provided to
19 the dealer under subsection (2)(d) of this section, sufficient to reflect each firearm **or unfinished**
20 **frame or receiver** purchased by a permit holder, which must be attached to the electronic record
21 of the permit stored by the department. The department may develop a system for removal of the
22 information in subsection (2)(d)(E) of this section, upon proof of sale or transfer of the firearm **or**
23 **unfinished frame or receiver** to another permit holder and for recording of the information to re-
24 flect the transfer of ownership to the permit of the new owner.

25 (b) The record of the information obtained during a request for a criminal history record check
26 by a gun dealer is exempt from disclosure under public records law.

27 (c) If the department determines that a purchaser is prohibited from possessing a firearm under
28 ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any
29 other personally identifiable information to all federal, state and local law enforcement agencies and
30 district attorneys that have jurisdiction over the location or locations where the attempted transfer
31 was made and where the purchaser resides.

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

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

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

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

45 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's

1 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-
2 endar year shall inform the department of any action that was taken concerning the report and the
3 outcome of the action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (b) A gun dealer that requests a criminal background check under this subsection is immune
34 from civil liability for any use of the firearm **or unfinished frame or receiver** by the recipient or
35 transferee, provided that the gun dealer requests the criminal background check as described in this
36 section and also provided that the dealer verifies that the recipient has a valid permit-to-purchase
37 the firearm **or unfinished frame or receiver** and the dealer has received a unique approval number
38 from the department indicating successful completion of the background check.

39 (14) Knowingly selling or delivering a firearm **or unfinished frame or receiver** to a purchaser
40 or transferee who does not have a valid permit-to-purchase a firearm in violation of subsection (2)(d)
41 of this section, or prior to receiving a unique approval number from the department based on the
42 criminal background check in violation of subsection (3)(c) of this section is a Class A misdemeanor.

43 **SECTION 15.** ORS 166.470 is amended to read:

44 166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or
45 the expunction laws of this state or an equivalent law of another jurisdiction, a person may not in-

1 tentionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
2 should know that the recipient:

3 (a) Is under [18] 21 years of age;

4 (b) Has been convicted of a felony;

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

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

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

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

11 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
12 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
13 this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160,
14 163.187, 163.190, 163.195 or 166.155 (1)(b);

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

17 (i) Has been found guilty except for insanity under ORS 161.295 of a felony.

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

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

21 *[(a) The parent or guardian, or another person with the consent of the parent or guardian, of a*
22 *minor from transferring to the minor a firearm, other than a handgun; or]*

23 *[(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other*
24 *lawful purpose.]*

25 **(a) The transfer of a firearm to a person under 21 years of age who is a police officer,**
26 **certified reserve officer, reserve officer or active or reserve member of the Army, Navy, Air**
27 **Force, Coast Guard or Marine Corps of the United States or of the National Guard;**

28 **(b) The transfer of a firearm described in ORS 166.250 (2)(b) to a person who is at least**
29 **18 years of age; or**

30 **(c) The parent or guardian of a minor, or another person with the consent of the parent**
31 **or guardian, from transferring a firearm described in ORS 166.250 (2)(b) to the minor for the**
32 **purposes of hunting or target practice.**

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

34 **(5) As used in this section, "certified reserve officer," "police officer" and "reserve**
35 **officer" have the meanings given those terms in ORS 181A.355.**

36 **SECTION 16.** Section 5 of this 2023 Act is amended to read:

37 **Sec. 5.** (1)(a) A person may not knowingly import into this state, offer for sale, sell or transfer
38 an unfinished frame or receiver unless:

39 (A) The person is licensed as a firearm dealer under 18 U.S.C. 923;

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

44 (C) The person maintains records relating to the unfinished frame or receiver in accordance
45 with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and all regulations

1 issued under the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to
2 478.134.

3 (b)(A) A violation of paragraph (a) of this subsection is a Class B violation.

4 (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of this
5 subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior conviction
6 under this section or section 3 or 4 of this 2023 Act.

7 (C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of paragraph (a)
8 of this subsection constitutes a Class B felony if, at the time of the offense, the person has two or
9 more prior convictions under this section or section 3 or 4 of this 2023 Act.

10 (2)(a) A person may not knowingly possess an unfinished frame or receiver that is not serialized
11 as provided in subsection (1)(a)(B) of this section, unless:

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

13 (B) The unfinished frame or receiver is an unfinished part within a manufacturing process that
14 includes serialization.

15 *[(b) A violation of paragraph (a) of this subsection occurring before September 1, 2024, does not*
16 *constitute an offense.]*

17 **(b)(A) A violation of paragraph (a) of this subsection is a Class B violation.**

18 **(B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of**
19 **this subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior**
20 **conviction under this section or section 3 or 4 of this 2023 Act.**

21 **(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of para-**
22 **graph (a) of this subsection is a Class C felony if, at the time of the offense, the person has**
23 **two or more prior convictions under this section or section 3 or 4 of this 2023 Act.**

24 **(3) A person convicted of any offense under this section shall forfeit the unfinished frame**
25 **or receiver.**

26 **(4) As used in this section, “prior conviction” includes a conviction for a violation of-**
27 **fense.**

28 **SECTION 17. The amendments to section 5 of this 2023 Act by section 16 of this 2023 Act**
29 **become operative on September 1, 2024.**

30 **SECTION 18. This 2023 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
32 **on its passage.**

33