

A-Engrossed
Senate Bill 699

Ordered by the Senate May 7
Including Senate Amendments dated May 7

Sponsored by COMMITTEE ON JUDICIARY

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.

Modifies laws prohibiting possession of firearms in public buildings. [*Eliminates exemption for person with concealed handgun license if person possesses firearm in Capitol without written permission from Legislative Administrator.*] **Provides that law enforcement officer may possess firearm in public building when off-duty or retired. Requires person with concealed handgun license to conceal firearm when possessing firearm in building.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to weapons; amending ORS 166.262, 166.360 and 166.370; and declaring an emergency.

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

4 **SECTION 1.** ORS 166.360 is amended to read:

5 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

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

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

14 (3) "Loaded firearm" means:

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

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

20 (4) "Public building" means a hospital, a capitol building, a [*public or private*] school[,] as defined
21 in ORS 339.315, a college or university, a city hall, [*or*] the residence of any state official elected
22 by the state at large[,] **or any other building owned or occupied by a public body as defined in**
23 **ORS 174.109** and the grounds adjacent to each such building. [*The term also includes that portion*
24 *of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS*
25 *297.405, other than*] **"Public building" does not include** a court facility.

26 (5) "Weapon" means:

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 (a) A firearm;

2 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife
3 other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

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

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

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

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

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

10 **SECTION 2.** ORS 166.370 is amended to read:

11 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
12 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
13 guilty of a Class C felony.

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

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

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

22 (b) The presiding judge of a judicial district may enter an order permitting the possession of
23 specified weapons in a court facility.

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

25 (a) A sheriff, police officer[,] **or** other duly appointed peace [*officers*] **officer, whether active**
26 **or retired, provided that the possession by a retired officer is not otherwise prohibited by**
27 **law**, or a corrections officer while acting within the scope of employment.

28 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,
29 while the summoned person is engaged in assisting the officer.

30 (c) An active or reserve member of the military forces of this state or the United States, when
31 engaged in the performance of duty.

32 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun,
33 **provided that the firearm is concealed from view.**

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

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

38 (g) Possession of a firearm on school property if the firearm:

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

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

41 (4) The exceptions listed in subsection (3)(b) to (g) of this section constitute affirmative defenses
42 to a charge of violating subsection (1) of this section.

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

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

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

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

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

7 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
8 166.279.

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

12 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
13 fined in ORS 161.015.

14 **SECTION 3.** ORS 166.262 is amended to read:

15 166.262. **Except as provided in ORS 166.370 (3)(d)**, a peace officer may not arrest or charge
16 a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person's im-
17 mediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292.

18 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
20 **on its passage.**

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