

HOUSE AMENDMENTS TO HOUSE BILL 2357

By COMMITTEE ON JUDICIARY

March 23

1 On page 1 of the printed bill, line 2, delete “166.260 and 166.370” and insert “166.173, 166.260,
2 166.262, 166.370, 166.663 and 821.240”.

3 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 166.173 is amended to read:

5 “166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-
6 session of loaded firearms in public places as defined in ORS 161.015.

7 “(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

8 “(a) A law enforcement officer [*in the performance of official duty*].

9 “(b) A member of the military in the performance of official duty.

10 “(c) A person licensed to carry a concealed handgun.

11 “(d) A person authorized to possess a loaded firearm while in or on a public building or court
12 facility under ORS 166.370.

13 “(e) An employee of the United States Department of Agriculture, acting within the scope of
14 employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

15 “**(f) An honorably retired law enforcement officer.**

16 “**SECTION 2.** ORS 166.260, as amended by section 3, chapter 106, Oregon Laws 2012, is
17 amended to read:

18 “166.260. (1) ORS 166.250 does not apply to or affect:

19 “[*(a) Sheriffs, constables, marshals, parole and probation officers, police officers, whether active or*
20 *honorably retired, or other duly appointed peace officers.*]

21 “**(a) A parole and probation officer, police officer or reserve officer, as those terms are**
22 **defined in ORS 181.610.**

23 “**(b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or cor-**
24 **rections officer, as those terms are defined in ORS 181.610, while the federal officer, certified**
25 **reserve officer or corrections officer is acting within the scope of employment.**

26 “**(c) An honorably retired law enforcement officer.**

27 “[*(b)*] **(d) Any person summoned by [*any such officer*] an officer described in paragraph (a)**
28 **or (b) of this subsection** to assist in making arrests or preserving the peace, while [*said person so*
29 *summoned is actually*] **the summoned person is** engaged in assisting the officer.

30 “[*(c)*] **(e) The possession or transportation by any merchant of unloaded firearms as merchandise.**

31 “[*(d)*] **(f) Active or reserve members of:**

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

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

35 “(C) The Public Health Service of the United States Department of Health and Human Services,

1 when detailed by proper authority for duty with the Army or Navy of the United States.

2 “[e] (g) Organizations which are by law authorized to purchase or receive weapons described
3 in ORS 166.250 from the United States, or from this state.

4 “[f] (h) Duly authorized military or civil organizations while parading, or the members thereof
5 when going to and from the places of meeting of their organization.

6 “[g] *A corrections officer while transporting or accompanying an individual convicted of or ar-*
7 *rested for an offense and confined in a place of incarceration or detention while outside the confines*
8 *of the place of incarceration or detention.]*

9 “[h] (i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

10 “(2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person
11 has been granted relief from the disability under ORS 166.274.

12 “(3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
13 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

18 “(b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or
19 returning from a hunting or fishing expedition.

20 “(4) The exceptions listed in subsection [(1)(b) to (h)] **(1)(d) to (i)** of this section constitute af-
21 firmative defenses to a charge of violating ORS 166.250.

22 “**SECTION 3.** ORS 166.262 is amended to read:

23 “166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
24 (b) or 166.370 (1) if the person has in the person’s immediate possession:

25 “(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292.

26 “(2) **Proof that the person is a law enforcement officer.**

27 “(3) **Proof that the person is an honorably retired law enforcement officer.**

28 “**SECTION 4.** ORS 166.370 is amended to read:

29 “166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
30 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
31 guilty of a Class C felony.

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

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

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

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

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

43 “[a] *A sheriff, police officer, other duly appointed peace officers or a corrections officer while*
44 *acting within the scope of employment.]*

45 “(a) **A police officer or reserve officer, as those terms are defined in ORS 181.610.**

1 “(b) A parole and probation officer, as defined in ORS 181.610, while the parole and pro-
2 bation officer is acting within the scope of employment.

3 “(c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or cor-
4 rections officer, as those terms are defined in ORS 181.610, while the federal officer, certified
5 reserve officer or corrections officer is acting within the scope of employment.

6 “[(b)] (d) A person summoned by [a peace officer] an officer described in paragraph (a), (b)
7 or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned
8 person is engaged in assisting the officer.

9 “(e) An honorably retired law enforcement officer.

10 “[(c)] (f) An active or reserve member of the military forces of this state or the United States,
11 when engaged in the performance of duty.

12 “[(d)] (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

13 “[(e)] (h) A person who is authorized by the officer or agency that controls the public building
14 to possess a firearm or dangerous weapon in that public building.

15 “[(f)] (i) An employee of the United States Department of Agriculture, acting within the scope
16 of employment, who possesses a firearm in the course of the lawful taking of wildlife.

17 “[(g)] (j) Possession of a firearm on school property if the firearm:

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

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

20 “(4) The exceptions listed in subsection [(3)(b) to (g)] **(3)(d) to (j)** of this section constitute af-
21 firmative defenses to a charge of violating subsection (1) of this section.

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

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

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

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

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

31 “(6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
32 166.279.

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

36 “(8) As used in this section, ‘dangerous weapon’ means a dangerous weapon as that term is de-
37 fined in ORS 161.015.

38 “**SECTION 5.** ORS 166.663 is amended to read:

39 “166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the
40 possession or in the immediate physical presence of the person a bow and arrow or a [rifle, gun,
41 revolver or other] firearm.

42 “(2) Subsection (1) of this section does not apply to a person casting an artificial light:

43 “(a) From the headlights of a motor vehicle that is being operated on a road in the usual man-
44 ner.

45 “(b) When the bow and arrow[, rifle, gun, revolver or other] or firearm that the person has in the

1 possession or immediate physical presence of the person is disassembled or stored, or in the trunk
2 or storage compartment of the motor vehicle.

3 “(c) When the ammunition or arrows are stored separate from the weapon.

4 “(d) On land owned or lawfully occupied by that person.

5 “(e) On publicly owned land when that person has an agreement with the public body to use that
6 property.

7 “(f) When the person is a peace officer, or **is a** government employee engaged in the perform-
8 ance of official duties.

9 “(g) When the person has been issued a license under ORS 166.291 and 166.292 to carry a con-
10 cealed [*weapon*] **handgun**.

11 “**(h) When the person is an honorably retired law enforcement officer.**

12 “(3) A peace officer may issue a citation to a person for a violation of subsection (1) of this
13 section when the violation is committed in the presence of the peace officer or when the peace of-
14 ficer has probable cause to believe that a violation has occurred based on a description of the ve-
15 hicle or other information received from a peace officer who observed the violation.

16 “(4) Violation of subsection (1) of this section is punishable as a Class B violation.

17 “(5) As used in this section, ‘peace officer’ has the meaning given that term in ORS 161.015.

18 “**SECTION 6.** ORS 821.240 is amended to read:

19 “821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle
20 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with
21 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all
22 arrows are in a quiver.

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

24 “**(a)** A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

25 “**(b) A law enforcement officer.**

26 “**(c) An honorably retired law enforcement officer.**

27 “(3) As used in this section, ‘unloaded’ means:

28 “(a) If the firearm is a revolver, that there is no live cartridge in the chamber that is aligned
29 with the hammer of the revolver;

30 “(b) If the firearm is a muzzle-loading firearm, that the firearm is not capped or primed; or

31 “(c) If the firearm is other than a revolver or a muzzle-loading firearm, that there is no live
32 cartridge in the chamber.

33 “(4) The offense described in this section, operating a snowmobile or an all-terrain vehicle while
34 carrying a firearm or bow, is a Class B traffic violation.

35 “**SECTION 7. The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.663 and 821.240**
36 **by sections 1 to 6 of this 2015 Act apply to conduct occurring on or after the effective date**
37 **of this 2015 Act.**

38 “**SECTION 8. This 2015 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
40 **on its passage.”**

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