

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 978**

1 In line 2 of the printed bill, after “firearms” insert “; creating new pro-
2 visions; amending ORS 166.210, 166.250, 166.262, 166.274, 166.291, 166.360,
3 166.370, 166.412, 166.435, 166.470 and 659A.403; and declaring an emergency”.

4 Delete lines 4 through 9 and insert:
5

6 **“MINIMUM AGE FOR FIREARM SALES**
7

8 **“SECTION 1. (1) A gun dealer, a person transferring a firearm, a**
9 **firearm accessory, a firearm component, ammunition or an ammuni-**
10 **tion component at a gun show, or a business engaged in repairing or**
11 **servicing a firearm, may establish a minimum age of 18, 19, 20 or 21**
12 **years for the purchase of firearms, firearm accessories, firearm com-**
13 **ponents, ammunition or ammunition components or for the repair or**
14 **service of a firearm.**

15 **“(2) As used in this section and ORS 659A.403:**

16 **“(a) ‘Antique firearm’ has the meaning given that term in ORS**
17 **166.210.**

18 **“(b) ‘Ammunition component’ includes primers, powder and acces-**
19 **sories that are used to create, modify or reload ammunition.**

20 **“(c) ‘Firearm’ has the meaning given that term in ORS 166.210 but**
21 **does not include an antique firearm.**

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

5 **“(e) ‘Firearm component’ means any part of a firearm that is ma-**
6 **terial to the function of the firearm.**

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

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

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

10 “659A.403. (1) Except as provided in subsection (2) of this section, all
11 persons within the jurisdiction of this state are entitled to the full and equal
12 accommodations, advantages, facilities and privileges of any place of public
13 accommodation, without any distinction, discrimination or restriction on
14 account of race, color, religion, sex, sexual orientation, national origin,
15 marital status or age if the individual is of age, as described in this section,
16 or older.

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

18 “(a) The enforcement of laws governing the consumption of alcoholic
19 beverages by minors and the frequenting by minors of places of public ac-
20 commodation where alcoholic beverages are served;

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

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

27 **“(d) A gun dealer or person transferring a firearm, a firearm ac-**
28 **cessory, a firearm component, ammunition or an ammunition compo-**
29 **nent at a gun show from enforcing minimum age restrictions,**
30 **pursuant to section 1 of this 2019 Act, on the purchase of firearms,**

1 **firearm accessories, firearm components, ammunition or ammunition**
2 **components; or**

3 **“(e) A business engaged in the repairing and servicing of firearms**
4 **from enforcing minimum age restrictions, pursuant to section 1 of this**
5 **2019 Act, for the repair or service of a firearm.**

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

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

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

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

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

22

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

25

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

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

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

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

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

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

8 **“(4) ‘Firearm’ has the meaning given that term in ORS 166.210, ex-**
9 **cept that it does not include a firearm that has been rendered perma-**
10 **nently inoperable.**

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

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

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

22 **“(6) ‘Law enforcement agency’ has the meaning given that term in**
23 **ORS 166.525.**

24 **“(7) ‘Minor’ means a person under 18 years of age.**

25 **“(8)(a) ‘Transfer’ means the delivery of a firearm from a person to**
26 **a recipient, neither of whom is a gun dealer or is licensed as a man-**
27 **ufacturer or importer under 18 U.S.C. 923, including, but not limited**
28 **to, the sale, gift, loan or lease of the firearm.**

29 **“(b) ‘Transfer’ does not include the temporary provision of a**
30 **firearm by a person to a recipient other than a minor if the person**

1 has no reason to believe the recipient is prohibited from possessing a
2 firearm or intends to use the firearm in the commission of a crime,
3 and the provision occurs:

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

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

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

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

14 “(E) To a recipient who is in the business of making or repairing
15 custom accessories for firearms, for the time during which the acces-
16 sories are being made or repaired; or

17 “(F) For the purpose of preventing imminent death or serious
18 physical injury, and the provision lasts only as long as is necessary to
19 prevent the death or serious physical injury.

20 “SECTION 6. (1)(a) A person who owns or possesses a firearm shall,
21 at all times that the firearm is not carried by or under the control of
22 the person or an authorized person, secure the firearm:

23 “(A) With an engaged trigger lock or cable lock that meets or ex-
24 ceeds the minimum specifications established by the Oregon Health
25 Authority under section 10 of this 2019 Act;

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

29 “(C) In a gun room.

30 “(b) For purposes of paragraph (a) of this subsection, a firearm is

1 not secured if a key, combination or other means of opening a lock
2 or container is readily available to a person the owner or possessor
3 has not authorized to carry or control the firearm.

4 “(2)(a) A violation of subsection (1) of this section is a Class C vio-
5 lation.

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

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

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

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

17 “(b) The unsecured firearm was obtained:

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

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

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

26 “(d) By a person who is in the business of repairing firearms, for
27 the purpose of repairing the firearm; or

28 “(e) By a person who is in the business of making or repairing
29 custom accessories for firearms, for the purpose of making or repair-
30 ing the accessories.

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

3 **“(a) With an engaged trigger lock or cable lock that meets or ex-**
4 **ceeds the minimum specifications established by the Oregon Health**
5 **Authority under section 10 of this 2019 Act; or**

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

9 **“(2)(a) A violation of subsection (1) of this section is a Class C vio-**
10 **lation.**

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

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

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

21 **“SECTION 8. (1)(a) A person who owns, possesses or controls a**
22 **firearm shall report the loss or theft of the firearm to a law enforce-**
23 **ment agency in the jurisdiction in which the loss or theft occurred as**
24 **soon as practicable but not later than 72 hours of the time the person**
25 **knew or reasonably should have known of the loss or theft.**

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

30 **“(2)(a) A violation of subsection (1) of this section is a Class B vio-**

1 **lation.**

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

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

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

16 **“(5)(a) Within 24 hours of receiving a report under subsection (1)**
17 **of this section, a law enforcement agency shall provide the informa-**
18 **tion concerning the lost or stolen firearm to the Department of State**
19 **Police.**

20 **“(b) The department shall enter the information concerning the lost**
21 **or stolen firearm into the Law Enforcement Data System or another**
22 **electronic database as determined by the department.**

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

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

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

30 **“(2)(a) A person who transfers a firearm to a minor, and who fails**

1 to directly supervise the minor’s use of the firearm, is strictly liable
2 for injury to person or property caused by the minor’s use of the
3 firearm.

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

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

8 “(a) That is owned by the minor; or

9 “(b) To a minor who holds a valid youth license under ORS 497.127
10 for the purposes of hunting in accordance with ORS 497.360.

11 “SECTION 10. No later than January 1, 2020, the Oregon Health
12 Authority shall adopt rules establishing the minimum specifications
13 for trigger locks, cable locks and containers equipped with tamper-
14 resistant locks required by sections 6 and 7 of this 2019 Act.

15 “SECTION 11. Sections 5 to 9 of this 2019 Act become operative on
16 January 1, 2020.

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

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

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

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

26 “(b) Unlawful storage of a firearm is a Class B misdemeanor if the
27 minor who obtains possession of the firearm exhibits the firearm in a
28 careless, angry or threatening manner.

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

1 by means of the firearm.

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

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

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

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

8 “(B) Through the illegal act of any person other than the person
9 described in subsection (1)(a) of this section;

10 “(c) The firearm is equipped with a trigger lock or other safe stor-
11 age device;

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

14 “(e) The firearm is rendered inoperable by the removal of an es-
15 sential component of the firing mechanism; or

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

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

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

28

29 “UNDETECTABLE AND UNTRACEABLE FIREARMS

30

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

4 “166.412. (1) As used in this section:

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

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

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

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

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

13 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
14 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
15 the person is a retail dealer, pawnbroker or otherwise; [*and*]

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

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

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

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

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

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

30 “(d) The gun dealer shall request by telephone that the department con-

1 duct a criminal history record check on the purchaser and shall provide the
2 following information to the department:

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

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

5 “(C) The place of transfer;

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

7 “(E) The make, model, caliber and manufacturer’s number of the firearm
8 being transferred **or a detailed description of the unfinished frame or**
9 **receiver being transferred;**

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

11 “(G) The Social Security number of the purchaser if the purchaser vol-
12 untarily provides this number to the gun dealer; and

13 “(H) The type, issuer and identification number of the identification pre-
14 sented by the purchaser.

15 “(e) The gun dealer shall receive a unique approval number for the
16 transfer from the department and record the approval number on the firearms
17 transaction record and on the firearms transaction thumbprint form.

18 “(f) The gun dealer may destroy the firearms transaction thumbprint form
19 five years after the completion of the firearms transaction thumbprint form.

20 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
21 record check, the department shall immediately, during the gun dealer’s
22 telephone call or by return call:

23 “(A) Determine, from criminal records and other information available to
24 it, whether the purchaser is disqualified under ORS 166.470 from completing
25 the purchase; and

26 “(B) Notify the gun dealer when a purchaser is disqualified from com-
27 pleting the transfer or provide the gun dealer with a unique approval number
28 indicating that the purchaser is qualified to complete the transfer.

29 “(b) If the department is unable to determine if the purchaser is qualified
30 or disqualified from completing the transfer within 30 minutes, the depart-

1 ment shall notify the gun dealer and provide the gun dealer with an estimate
2 of the time when the department will provide the requested information.

3 “(c) If the department fails to provide a unique approval number to a gun
4 dealer or to notify the gun dealer that the purchaser is disqualified under
5 paragraph (a) of this subsection before the close of the gun dealer’s next
6 business day following the request by the gun dealer for a criminal history
7 record check, the gun dealer may deliver the firearm **or unfinished frame**
8 **or receiver** to the purchaser.

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

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

16 “(B) Is intended to be used for identification of an individual or is com-
17 monly accepted for the purpose of identification of an individual.

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

24 “(c) The department may require that the gun dealer verify the identifi-
25 cation of the purchaser if that identity is in question by sending the
26 thumbprints of the purchaser to the department.

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

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

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

7 “(b) The record of the information obtained during a request for a crimi-
8 nal history record check by a gun dealer is exempt from disclosure under
9 public records law.

10 “(c) If the department determines that a purchaser is prohibited from
11 possessing a firearm under ORS 166.250 (1)(c), the department shall report
12 the attempted transfer, the purchaser’s name and any other personally iden-
13 tifiable information to all federal, state and local law enforcement agencies
14 and district attorneys that have jurisdiction over the location or locations
15 where the attempted transfer was made and where the purchaser resides.

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

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

26 “(f) If the department determines that the purchaser is under the juris-
27 diction of the Psychiatric Security Review Board, the department shall re-
28 port the attempted transfer to the board.

29 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
30 made within 24 hours after the determination is made, unless a report would

1 compromise an ongoing investigation, in which case the report may be de-
2 layed as long as necessary to avoid compromising the investigation.

3 “(h) On or before January 31 of each year, a law enforcement agency or
4 a prosecuting attorney’s office that received a report pursuant to paragraph
5 (c) of this subsection during the previous calendar year shall inform the de-
6 partment of any action that was taken concerning the report and the out-
7 come of the action.

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

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

14 “(B) The number of reports made pursuant to paragraph (c) of this sub-
15 section;

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

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

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

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

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

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

2 “(b) The maintenance of a procedure to correct errors in the criminal re-
3 cords of the department;

4 “(c) The provision of a security system to identify gun dealers that re-
5 quest a criminal history record check under subsection (2) of this section;
6 and

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

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

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

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

16 “(b) A gun dealer that requests a criminal background check under this
17 subsection is immune from civil liability for any use of the firearm **or un-**
18 **finished frame or receiver** by the recipient or transferee, provided that the
19 gun dealer requests the criminal background check as described in this sec-
20 tion.

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

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

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

26 **“(b) ‘Undetectable firearm’ means a firearm that is functional when**
27 **in a form that is less detectable than a security exemplar when**
28 **scanned by a metal detector calibrated and operated to detect a secu-**
29 **urity exemplar.**

30 **“(2) A person who knowingly manufactures or causes to be manu-**

1 **factured within this state, imports into this state, or offers for sale,**
2 **sells or transfers, an undetectable firearm commits a Class B felony.**

3 **“(3) A person who knowingly possesses an undetectable firearm**
4 **commits a Class A misdemeanor.**

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

6 **“(a) ‘Downloadable firearm’ means a firearm manufactured or**
7 **produced through a process in which layers of material are laid down**
8 **in succession, including but not limited to three-dimensional printing.**

9 **“(b) ‘Unserialized firearm’ means a firearm that does not bear a**
10 **serial number in accordance with the procedures for the serialization**
11 **of a firearm in 18 U.S.C. 923(i) and all regulations issued under the**
12 **authority of 18 U.S.C. 923(i), including but not limited to 27 C.F.R.**
13 **478.92.**

14 **“(c) ‘Untraceable firearm’ means an unserialized downloadable**
15 **firearm or an unserialized firearm that has been manufactured, as-**
16 **sembled or produced using an unfinished frame or receiver.**

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

21 **“(3) A person who knowingly manufactures or causes to be manu-**
22 **factured, imports into this state, offers for sale, sells or transfers a**
23 **downloadable firearm commits a Class B felony unless:**

24 **“(a) The person has a federal license to manufacture firearms;**

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

30 **“(c) The person maintains records relating to the downloadable**

1 **firearm in accordance with the procedures for record keeping related**
2 **to firearms in 18 U.S.C. 923(g) and all regulations issued under the**
3 **authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R.**
4 **478.121 to 478.134.**

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

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

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

14 **“(c) The person maintains records relating to the unfinished frame**
15 **or receiver in accordance with the procedures for record keeping re-**
16 **lated to firearms in 18 U.S.C. 923(g) and all regulations issued under**
17 **the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R.**
18 **478.121 to 478.134.**

19 **“(5) A person who knowingly possesses an unfinished frame or re-**
20 **ceiver that is not serialized as provided in subsection (4)(b) of this**
21 **section commits a Class C felony, unless:**

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

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

25

26

“PROHIBITED POSSESSION AND TRANSFER

27

28 **“SECTION 18. ORS 166.210 is amended to read:**

29 **“166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410**
30 **to 166.470:**

1 “(1) ‘Antique firearm’ means:

2 “(a) Any firearm, including any firearm with a matchlock, flintlock, per-
3 cussion cap or similar type of ignition system, manufactured in or before
4 1898; and

5 “(b) Any replica of any firearm described in paragraph (a) of this sub-
6 section if the replica:

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

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

12 “(2) ‘Corrections officer’ has the meaning given that term in ORS
13 181A.355.

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

16 “(4) ‘Firearms silencer’ means any device for silencing, muffling or di-
17 minishing the report of a firearm.

18 “(5) ‘Handgun’ means any pistol or revolver using a fixed cartridge con-
19 taining a propellant charge, primer and projectile, and designed to be aimed
20 or fired otherwise than from the shoulder.

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

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

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

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

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

29 “(11) ‘Short-barreled rifle’ means a rifle having one or more barrels less
30 than 16 inches in length and any weapon made from a rifle if the weapon

1 has an overall length of less than 26 inches.

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

5 “(13)(a) **‘Unfinished frame or receiver’ means a partially completed**
6 **frame or lower receiver consisting of a blank, casting or machined**
7 **body that:**

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

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

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

13 “(A) **A component designed and intended for use in an antique**
14 **firearm, hunting rifle or shotgun;**

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

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

19 “**SECTION 19.** ORS 166.250 is amended to read:

20 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
21 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-
22 mits the crime of unlawful possession of a firearm if the person knowingly:

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

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

26 “(c) Possesses a firearm and:

27 “(A) Is under 18 years of age;

28 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-
29 venile court for having committed an act which, if committed by an adult,
30 would constitute a felony or a misdemeanor involving violence, as defined

1 in ORS 166.470; and

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

4 “(C) Has been convicted of a felony;

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

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

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

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

13 “(H) The possession of the firearm by the person is prohibited under ORS
14 166.255[.]; or

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

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

19 “(2) This section does not prohibit:

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

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

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

27 “(b) Any citizen of the United States over the age of 18 years who resides
28 in or is temporarily sojourning within this state, and who is not within the
29 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
30 from owning, possessing or keeping within the person’s place of residence

1 or place of business any handgun, and no permit or license to purchase, own,
2 possess or keep any such firearm at the person's place of residence or place
3 of business is required of any such citizen. As used in this subsection, 'resi-
4 dence' includes a recreational vessel or recreational vehicle while used, for
5 whatever period of time, as residential quarters.

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

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

11 "(b) If a vehicle, other than a vehicle described in paragraph (c) of this
12 subsection, has no storage location that is outside the passenger compart-
13 ment of the vehicle, a handgun is not readily accessible within the meaning
14 of this section if:

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

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

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

21 "(A) The handgun is in a locked container within or affixed to the vehi-
22 cle; or

23 "(B) The handgun is equipped with a trigger lock or other locking mech-
24 anism that prevents the discharge of the firearm.

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

26 "**SECTION 20.** ORS 166.470 is amended to read:

27 "166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274
28 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
29 of another jurisdiction, a person may not intentionally sell, deliver or oth-
30 erwise transfer any firearm when the transferor knows or reasonably should

1 know that the recipient:

2 “(a) Is under 18 years of age;

3 “(b) Has been convicted of a felony;

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

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

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

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

10 “(g) Has been convicted of a misdemeanor involving violence or found
11 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
12 olence within the previous four years. As used in this paragraph,
13 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
14 163.160, 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
16 person from purchasing or possessing a firearm; [*or*]

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

19 **“(j) Has been convicted of unlawful storage of a firearm under sec-**
20 **tion 12 of this 2019 Act within the five years immediately preceding the**
21 **date of the attempted sale, delivery or transfer.**

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

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

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

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

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

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

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

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

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

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

12 “(3) A person may apply once per calendar year for relief under the pro-
13 visions of this section.

14 “(4)(a) A person petitioning for relief under this section shall serve a copy
15 of the petition on:

16 “(A) The city chief of police if the court in which the petition is filed is
17 located in a city; or

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

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

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

24 “(b) When a petition is granted, the judge shall cause that information
25 and a fingerprint card of the petitioner to be entered into the Department
26 of State Police computerized criminal history files. If, after a petition is
27 granted, the petitioner is arrested and convicted of a crime that would dis-
28 qualify the petitioner from purchasing or possessing a firearm, the Depart-
29 ment of State Police shall notify the court that granted relief under this
30 section. The court shall review the order granting relief and determine

1 whether to rescind the order. The Department of State Police may charge a
2 reasonable fee, under ORS 192.324, for the entry and maintenance of infor-
3 mation under this section.

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

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

12 “(8) Petitions filed under this section shall be heard and disposed of
13 within 15 judicial days of filing or as soon as is practicable thereafter, but
14 not more than 30 days thereafter. The judge shall then make findings and
15 conclusions and issue a judgment based on the findings and conclusions in
16 accordance with the requirements of law.

17 “(9) A person filing a petition under this section must pay the filing fee
18 established under ORS 21.135.

19 “(10)(a) Initial appeals of petitions shall be heard de novo.

20 “(b) Any party to a judgment under this subsection may appeal to the
21 Court of Appeals in the same manner as for any other civil action.

22 “(c) If the governmental entity files an appeal under this subsection and
23 does not prevail, it shall be ordered to pay the attorney fees for the pre-
24 vailing party.

25 “(11) The court may not grant relief under this section to a person who:

26 “(a) Has been convicted of a person felony, as that term is defined in the
27 rules of the Oregon Criminal Justice Commission, or the statutory counter-
28 part to a person felony in any other jurisdiction, if the offense involved the
29 use of a firearm or a deadly weapon as defined in ORS 161.015;

30 “(b) Has been convicted of an offense listed in ORS 137.700 or the statu-

1 tory counterpart to an offense listed in ORS 137.700 in any other jurisdiction;
2 or

3 “(c) Is currently serving a felony sentence as defined in ORS 10.030 or
4 has served a felony sentence in the one-year period preceding the filing of
5 the petition.

6

7

“FIREARM INJURY REPORTING

8

9 **“SECTION 22. (1) Each hospital licensed to operate in this state**
10 **shall submit to the Oregon Health Authority, as prescribed by the**
11 **authority by rule, emergency department discharge records for any**
12 **patient receiving treatment for an injury caused by a firearm.**

13 **“(2) The authority shall establish by rule standards for the data**
14 **submitted to the authority under this section.**

15 **“(3) The authority shall notify any entity submitting data under**
16 **this section of any changes to the data sets that must be submitted,**
17 **no later than July 1 of the calendar year preceding the year in which**
18 **the changes become effective.**

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

21 **“SECTION 23. (1) Each hospital licensed to operate in this state**
22 **shall report to the electronic emergency medical services data system**
23 **managed by the Oregon Health Authority patient outcome data for**
24 **any patient receiving treatment for an injury caused by a firearm.**

25 **“(2) The authority by rule shall specify the patient encounter data**
26 **elements to be transferred from the electronic emergency medical**
27 **services data system to the Oregon Trauma Registry and shall estab-**
28 **lish the procedures for the electronic transfer of the patient encounter**
29 **data.**

30 **“(3) Patient outcome data includes:**

1 “(a) The health outcomes of the patient;

2 “(b) The diagnosis the patient received in the emergency depart-
3 ment and any procedures performed on the patient; and

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

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

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

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

9 “(5) Data provided pursuant to this section may be used for quality
10 assurance, quality improvement, epidemiological assessment and in-
11 vestigation, public health critical response planning, prevention ac-
12 tivities and other purposes that the authority determines necessary.

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

14
15 **“CONCEALED HANDGUN LICENSE FEES**

16
17 **“SECTION 24.** ORS 166.291 is amended to read:

18 “166.291. (1) The sheriff of a county, upon a person’s application for an
19 Oregon concealed handgun license, upon receipt of the appropriate fees and
20 after compliance with the procedures set out in this section, shall issue the
21 person a concealed handgun license if the person:

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

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

28 “(b) Is at least 21 years of age;

29 “(c) Is a resident of the county;

30 “(d) Has no outstanding warrants for arrest;

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

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

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

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

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

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

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

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

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

25 “(g) Has never been convicted of a felony or found guilty, except for in-
26 sanity under ORS 161.295, of a felony;

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

1 “(i) Has not been committed to the Oregon Health Authority under ORS
2 426.130;

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

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

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

14 “(A) The person can demonstrate that the person has been convicted only
15 once of a marijuana possession offense that constituted a misdemeanor or
16 violation under the law of the jurisdiction of the offense, and has not com-
17 pleted a drug diversion program for a marijuana possession offense that
18 constituted a misdemeanor or violation under the law of the jurisdiction of
19 the offense; or

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

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

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

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

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

3 “(2) A person who has been granted relief under ORS 166.273, 166.274 or
4 166.293 or 18 U.S.C. 925(c) or has had the person’s record expunged under the
5 laws of this state or equivalent laws of other jurisdictions is not subject to
6 the disabilities in subsection (1)(g) to (L) of this section.

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

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

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

30 “(4) Application forms for concealed handgun licenses shall be supplied

1 by the sheriff upon request. The forms shall be uniform throughout this state
2 in substantially the following form:

3 “ _____

4 APPLICATION FOR LICENSE TO CARRY

5 CONCEALED HANDGUN

6 Date_____

7 I hereby declare as follows:

8 I am a citizen of the United States or a legal resident alien who can
9 document continuous residency in the county for at least six months and
10 have declared in writing to the United States Citizenship and Immigration
11 Services my intention to become a citizen and can present proof of the
12 written declaration to the sheriff at the time of this application. I am at least
13 21 years of age. I have been discharged from the jurisdiction of the juvenile
14 court for more than four years if, while a minor, I was found to be within
15 the jurisdiction of the juvenile court for having committed an act that, if
16 committed by an adult, would constitute a felony or a misdemeanor involving
17 violence, as defined in ORS 166.470. I have never been convicted of a felony
18 or found guilty, except for insanity under ORS 161.295, of a felony in the
19 State of Oregon or elsewhere. I have not, within the last four years, been
20 convicted of a misdemeanor or found guilty, except for insanity under ORS
21 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
22 not been convicted of an offense involving controlled substances or com-
23 pleted a court-supervised drug diversion program. There are no outstanding
24 warrants for my arrest and I am not free on any form of pretrial release. I
25 have not been committed to the Oregon Health Authority under ORS 426.130,
26 nor have I been found to be a person with mental illness and presently sub-
27 ject to an order prohibiting me from purchasing or possessing a firearm be-
28 cause of mental illness. I am not under a court order to participate in
29 assisted outpatient treatment that includes an order prohibiting me from
30 purchasing or possessing a firearm. If any of the previous conditions do apply

1 to me, I have been granted relief or wish to petition for relief from the dis-
2 ability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had
3 the records expunged. I am not subject to a citation issued under ORS
4 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I
5 have never received a dishonorable discharge from the Armed Forces of the
6 United States. I am not required to register as a sex offender in any state.
7 I understand I will be fingerprinted and photographed.

8

9 Legal name _____

10 Age _____ Date of birth _____

11 Place of birth _____

12 Social Security number _____

13 (Disclosure of your Social Security account number is voluntary. Solicita-
14 tion of the number is authorized under ORS 166.291. It will be used only as
15 a means of identification.)

16

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

20 1. _____

21 2. _____

22

23 Height _____ Weight _____

24 Hair color _____ Eye color _____

25

26 Current address _____

27

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

28

29

30 City _____ County _____ Zip _____

1 Phone _____

2

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

6

(Signature of Applicant)

7

8

9 Character references.

10

11

Name: Address

12

13

Name: Address

14

15 Approved ____ Disapproved ____ by ____

16

17 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

18 Date _____ Fee Paid _____

19 License No. _____

20

“ _____

21

“(5)(a) Fees for concealed handgun licenses are:

22

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

24

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

26

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

28

“(D) **To the sheriff, an amount equal to the fee charged by the
29 Federal Bureau of Investigation for conducting a nationwide finger-
30 print check of the applicant.**

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

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

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

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

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

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

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

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

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

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

30 “**SECTION 25. The amendments to ORS 166.291 by section 24 of this**

1 **2019 Act apply to applications for new concealed handgun licenses and**
2 **requests for license renewal or duplication submitted on or after the**
3 **effective date of this 2019 Act.**

4
5 **“LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC**
6 **BUILDINGS**

7
8 **“SECTION 26. (1) Notwithstanding ORS 166.173, a city, a county, a**
9 **metropolitan service district organized under ORS chapter 268, or a**
10 **port operating a commercial service airport with at least 2 million**
11 **passenger boardings per calendar year may adopt an ordinance regu-**
12 **lating or prohibiting the possession of firearms in public buildings as**
13 **defined in ORS 166.360 by persons licensed to carry a concealed**
14 **handgun under ORS 166.291 and 166.292.**

15 **“(2) A school district, college or university may adopt a policy reg-**
16 **ulating or prohibiting the possession of firearms in public buildings**
17 **as defined in ORS 166.360 by persons licensed to carry a concealed**
18 **handgun under ORS 166.291 and 166.292.**

19 **“SECTION 27. ORS 166.360 is amended to read:**

20 **“166.360. As used in ORS 166.360 to 166.380, unless the context requires**
21 **otherwise:**

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

27 **“(2) ‘Court facility’ means a courthouse or that portion of any other**
28 **building occupied by a circuit court, the Court of Appeals, the Supreme**
29 **Court or the Oregon Tax Court or occupied by personnel related to the op-**
30 **erations of those courts, or in which activities related to the operations of**

1 those courts take place.

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

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

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

8 “(6) ‘Loaded firearm’ means:

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

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

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

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

18 “(9) ‘Public building’ means:

19 “(a)(A) A hospital[.];

20 “(B) A capitol building[.];

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

22 “(D) A college or university[.];

23 “(E) A city hall or the residence of any state official elected by the state
24 at large[*and the grounds adjacent to each such building.*]; **or**

25 “(F) [*The term also includes*] That portion of any other building **owned,**
26 occupied **or controlled** by an agency of the state or a municipal corporation,
27 as defined in ORS 297.405, other than a court facility[.];

28 “(b) **The grounds adjacent to a building described in paragraph (a)**
29 **of this subsection;**

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

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

5 “(10) ‘Weapon’ means:

6 “(a) A firearm;

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

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

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

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

15 “(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku,
16 nightstick, truncheon or any similar instrument, the use of which could in-
17 flict injury upon a person or property; or

18 “(g) A dangerous or deadly weapon as those terms are defined in ORS
19 161.015.

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

21 “166.370. (1) Any person who intentionally possesses a loaded or unloaded
22 firearm or any other instrument used as a dangerous weapon, while in or on
23 a public building, shall upon conviction be guilty of a Class C felony.

24 “(2)(a) Except as otherwise provided in paragraph (b) of this subsection,
25 a person who intentionally possesses:

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

29 “(B) A weapon, other than a firearm, in a court facility may be required
30 to surrender the weapon to a law enforcement officer or to immediately re-

1 move it from the court facility. A person who fails to comply with this sub-
2 paragraph is guilty, upon conviction, of a Class C felony.

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

7 “(b) The presiding judge of a judicial district or a municipal court may
8 enter an order permitting the possession of specified weapons in a court fa-
9 cility.

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

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

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

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

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

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

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

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

29 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
30 concealed handgun, **unless the person possesses a firearm in violation**

1 **of an ordinance or policy adopted pursuant to section 26 of this 2019**
2 **Act.**

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

6 “(i) An employee of the United States Department of Agriculture, acting
7 within the scope of employment, who possesses a firearm in the course of the
8 lawful taking of wildlife.

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

10 “(A) Is possessed by a person who is not otherwise prohibited from pos-
11 sessed the firearm; and

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

13 **“(k) A person who possesses a firearm in the passenger terminal**
14 **or parking area, or grounds adjacent to the passenger terminal or**
15 **parking area, of a commercial service airport that has at least 1**
16 **million passenger boardings per year, if the firearm is unloaded and**
17 **in a locked hard-sided container for the purposes of transporting the**
18 **firearm as checked baggage in accordance with federal law.**

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

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

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

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

1 a firearm:

2 “(A) As part of a program approved by a school in the school by an in-
3 dividual who is participating in the program;

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

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

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

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

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

16 **“SECTION 29.** ORS 166.262 is amended to read:

17 “166.262. A peace officer may not arrest or charge a person for violating
18 ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s im-
19 mediate possession:

20 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
21 166.292, **unless the person possesses a firearm in a public building in**
22 **violation of an ordinance or policy adopted pursuant to section 26 of**
23 **this 2019 Act;**

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

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

29

30 **“MUSEUM EXCEPTION FOR PRIVATE TRANSFER**

1 **BACKGROUND CHECKS**

2
3 **“SECTION 30.** ORS 166.435 is amended to read:

4 “166.435. (1) As used in this section:

5 “(a) ‘Transfer’ means the delivery of a firearm from a transferor to a
6 transferee, including, but not limited to, the sale, gift, loan or lease of the
7 firearm. ‘Transfer’ does not include the temporary provision of a firearm to
8 a transferee if the transferor has no reason to believe the transferee is pro-
9 hibited from possessing a firearm or intends to use the firearm in the com-
10 mission of a crime, and the provision occurs:

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

14 “(B) For the purpose of hunting, trapping or target shooting, during the
15 time in which the transferee is engaged in activities related to hunting,
16 trapping or target shooting;

17 “(C) Under circumstances in which the transferee and the firearm are in
18 the presence of the transferor;

19 “(D) To a transferee who is in the business of repairing firearms, for the
20 time during which the firearm is being repaired;

21 “(E) To a transferee who is in the business of making or repairing custom
22 accessories for firearms, for the time during which the accessories are being
23 made or repaired; or

24 “(F) For the purpose of preventing imminent death or serious physical
25 injury, and the provision lasts only as long as is necessary to prevent the
26 death or serious physical injury.

27 “(b) ‘Transferee’ means a person who is not a gun dealer or licensed as
28 a manufacturer or importer under 18 U.S.C. 923 and who intends to receive
29 a firearm from a transferor.

30 “(c) ‘Transferor’ means a person who is not a gun dealer or licensed as

1 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
2 a firearm to a transferee.

3 “(2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of
4 this section, a transferor may not transfer a firearm to a transferee unless
5 the transfer is completed through a gun dealer as described in subsection (3)
6 of this section.

7 “(3)(a) A transferor may transfer a firearm to a transferee only as pro-
8 vided in this section. Except as provided in paragraph (b) of this subsection,
9 prior to the transfer both the transferor and the transferee must appear in
10 person before a gun dealer, with the firearm, and request that the gun dealer
11 perform a criminal background check on the transferee.

12 “(b) If the transferor and the transferee reside over 40 miles from each
13 other, the transferor may ship or deliver the firearm to a gun dealer located
14 near the transferee or a gun dealer designated by the transferee, and the
15 transferor need not appear before the gun dealer in person.

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

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

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

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

1 the transferor.

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

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

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

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

13 “(c) The transfer of a firearm to:

14 “(A) A transferor’s spouse or domestic partner;

15 “(B) A transferor’s parent or stepparent;

16 “(C) A transferor’s child or stepchild;

17 “(D) A transferor’s sibling;

18 “(E) A transferor’s grandparent;

19 “(F) A transferor’s grandchild;

20 “(G) A transferor’s aunt or uncle;

21 “(H) A transferor’s first cousin;

22 “(I) A transferor’s niece or nephew; or

23 “(J) The spouse or domestic partner of a person specified in subpara-
24 graphs (B) to (I) of this paragraph.

25 “(d) The transfer of a firearm that occurs because of the death of the
26 firearm owner, provided that:

27 “(A) The transfer is conducted or facilitated by a personal representative,
28 as defined in ORS 111.005, or a trustee of a trust created in a will; and

29 “(B) The transferee is related to the deceased firearm owner in a manner
30 specified in paragraph (c) of this subsection.

1 “(e) The transfer of a firearm to a museum as defined in ORS
2 **358.415.**

3 “(5)(a) A transferor who fails to comply with the requirements of this
4 section commits a Class A misdemeanor.

5 “(b) Notwithstanding paragraph (a) of this subsection, a transferor who
6 fails to comply with the requirements of this section commits a Class B fel-
7 ony if the transferor has a previous conviction under this section at the time
8 of the offense.

9

10

“MISCELLANEOUS

11

12 **“SECTION 31. The unit captions used in this 2019 Act are provided**
13 **only for the convenience of the reader and do not become part of the**
14 **statutory law of this state or express any legislative intent in the**
15 **enactment of this 2019 Act.**

16 **“SECTION 32. This 2019 Act being necessary for the immediate**
17 **preservation of the public peace, health and safety, an emergency is**
18 **declared to exist, and this 2019 Act takes effect on its passage.”.**

19
