

House Bill 2797

Sponsored by Representative THATCHER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Describes "readily accessible" for purpose of prohibition on possessing readily accessible, concealed handgun within vehicle, when vehicle is snowmobile, motorcycle or all-terrain vehicle.

Modifies offense of operating snowmobile or all-terrain vehicle while carrying firearm or bow.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.250 and 821.240.

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

4 **SECTION 1.** ORS 166.250, as amended by section 8a, chapter 826, Oregon Laws 2009, is
5 amended to read:

6 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
7 166.291, 166.292 or 166.410 to 166.470 or section 5, chapter 826, Oregon Laws 2009, a person commits
8 the crime of unlawful possession of a firearm if the person knowingly:

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

10 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
11 cle; or

12 (c) Possesses a firearm and:

13 (A) Is under 18 years of age;

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

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

19 (C) Has been convicted of a felony;

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

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

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

24 (2) This section does not prohibit:

25 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
26 sessed a firearm:

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

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

30 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
31 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

7 (4)(a) Except as provided in [paragraph (b)] **paragraphs (b) and (c)** of this subsection, a
 8 handgun is readily accessible within the meaning of this section if the handgun is within the pas-
 9 senger compartment of the vehicle.

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

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

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

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

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

20 **(B) The handgun is equipped with a trigger lock or other locking mechanism that pre-**
 21 **vents the discharge of the firearm.**

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

23 **SECTION 2.** ORS 166.250, as amended by sections 8a and 11a, chapter 826, Oregon Laws 2009,
 24 is amended to read:

25 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,
 26 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm
 27 if the person knowingly:

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

29 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
 30 cle; or

31 (c) Possesses a firearm and:

32 (A) Is under 18 years of age;

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

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

38 (C) Has been convicted of a felony;

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

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

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

43 (2) This section does not prohibit:

44 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
 45 sessed a firearm:

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

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

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

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

12 (4)(a) Except as provided in [paragraph (b)] **paragraphs (b) and (c)** of this subsection, a
13 handgun is readily accessible within the meaning of this section if the handgun is within the pas-
14 senger compartment of the vehicle.

15 (b) If a vehicle has no storage location that is outside the passenger compartment of the vehicle,
16 a handgun is not readily accessible within the meaning of this section if:

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

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

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

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

24 **(B) The handgun is equipped with a trigger lock or other locking mechanism that pre-**
25 **vents the discharge of the firearm.**

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

27 **SECTION 3.** ORS 821.240 is amended to read:

28 821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle
29 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with
30 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all
31 arrows are in a quiver.

32 **(2) Subsection (1) of this section does not apply to a person who is licensed under ORS**
33 **166.291 and 166.292 to carry a concealed handgun.**

34 **(3) A firearm is unloaded within the meaning of this section if there is no live cartridge**
35 **in the chamber or, if the firearm is a revolver, there is no live cartridge in the chamber that**
36 **is aligned with the hammer of the revolver.**

37 [(2)] (4) The offense described in this section, operating a snowmobile or an all-terrain vehicle
38 while carrying a firearm or bow, is a Class B traffic violation.

39 **SECTION 4. The amendments to ORS 166.250 and 821.240 by sections 1 to 3 of this 2011**
40 **Act apply to conduct occurring on or after the effective date of this 2011 Act.**