

Senate Bill 681

Sponsored by Senator BOQUIST (at the request of Beth Jones)

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**.

Exempts federal and state military personnel from laws establishing crime of unlawful possession of firearm when engaged in official functions on military property.

Authorizes Governor or Adjutant General to issue regulations regarding use and possession of firearms on military property.

A BILL FOR AN ACT

1
2 Relating to possession of firearms by military personnel on military property; creating new provisions; and amending ORS 166.260.

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

5 **SECTION 1.** ORS 166.260 is amended to read:

6 166.260. (1) ORS 166.250 does not apply to or affect:

7 (a) A parole and probation officer, police officer or reserve officer, as those terms are defined
8 in ORS 181A.355.

9 (b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer,
10 as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
11 or corrections officer is acting within the scope of employment.

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

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

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

19 (f) Active or reserve members of:

20 (A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, [*or of*] the
21 National Guard, **the organized militia as described in ORS 396.105, or other personnel of the**
22 **United States Armed Services or organized militia** when on duty **or while engaged in official**
23 **functions on a military base in this state, including any armory, arsenal, camp, range, base,**
24 **recruiting station or other military facility;**

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

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

28 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS
29 166.250 from the United States, or from this state.

30 (h) Duly authorized military or civil organizations while parading, or the members thereof when

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 going to and from the places of meeting of their organization.

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

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

5 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
6 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

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

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

15 **SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS chapter 396.**

16 **SECTION 3. The Governor, or the Adjutant General as the Governor's delegate, may is-
17 sue regulations pursuant to ORS 396.125 and 396.128 that regulate the use and possession of
18 firearms, whether loaded or unloaded, concealed or unconcealed, on military property or at
19 military facilities in this state.**

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