

SB 978-4
(LC 1433)
4/5/19 (JLM/ps)

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 prescribing an effective
4 date”.

5 Delete lines 4 through 9 and insert:
6

7 **“MINIMUM AGE FOR FIREARM SALES**
8

9 **“SECTION 1. (1) The following may establish a minimum age of 18,**
10 **19, 20 or 21 years for the purchase of firearms, firearm accessories,**
11 **firearm components, ammunition or ammunition components, or for**
12 **the repair or service of a firearm:**

13 **“(a) A person transferring a firearm, a firearm accessory, a firearm**
14 **component, ammunition or an ammunition component at a gun show;**

15 **“(b) A gun dealer; or**

16 **“(c) A business engaged in repairing or servicing a firearm.**

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

18 **“(a) ‘Antique firearm’ has the meaning given that term in ORS**
19 **166.210.**

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

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

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

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

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

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

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

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

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

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

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

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

29 “(d) **The following from enforcing minimum age restrictions, pur-**
30 **suant to section 1 of this 2019 Act, on the purchase of firearms,**

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

3 **“(A) A person transferring a firearm, a firearm accessory, a firearm**
4 **component, ammunition or an ammunition component at a gun show;**
5 **or**

6 **“(B) A gun dealer; or**

7 **“(e) A business engaged in the repairing and servicing of firearms**
8 **from enforcing minimum age restrictions, pursuant to section 1 of this**
9 **2019 Act, for the repair or service of a firearm.**

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

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

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

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

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

26

27 **“FIREARM STORAGE, LOSS OR THEFT REPORTING AND ACCESS**
28 **BY MINORS**

29

30 **“SECTION 4. Sections 5 to 10 of this 2019 Act shall be known and**

1 may be cited as the Cindy Yuille and Steve Forsyth Act.

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

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

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

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

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

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

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

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

20 **“(a) The storage of firearms, ammunition, components of firearms**
21 **or ammunition, or equipment for firearm-related activities including**
22 **but not limited to reloading ammunition, gunsmithing and firearm**
23 **cleaning and maintenance; or**

24 **“(b) Conducting firearm-related activities, including but not limited**
25 **to reloading ammunition, gunsmithing and firearm cleaning and**
26 **maintenance.**

27 **“(7) ‘Law enforcement agency’ has the meaning given that term in**
28 **ORS 166.525.**

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

30 **“(9)(a) ‘Transfer’ means the delivery of a firearm from a person to**

1 a recipient, neither of whom is a gun dealer or is licensed as a man-
2 ufacturer or importer under 18 U.S.C. 923, including, but not limited
3 to, the sale, gift, loan or lease of the firearm.

4 “(b) ‘Transfer’ does not include:

5 “(A) The temporary provision of a firearm by a person to a recipient
6 other than a minor if the person has no reason to believe the recipient
7 is prohibited from possessing a firearm or intends to use the firearm
8 in the commission of a crime, and the provision occurs:

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

12 “(ii) For the purpose of hunting, trapping or target shooting, during
13 the time in which the recipient is engaged in activities related to
14 hunting, trapping or target shooting;

15 “(iii) Under circumstances in which the recipient and the firearm
16 are in the presence of the person;

17 “(iv) To a recipient who is in the business of repairing firearms, for
18 the time during which the firearm is being repaired;

19 “(v) To a recipient who is in the business of making or repairing
20 custom accessories for firearms, for the time during which the acces-
21 sories are being made or repaired; or

22 “(vi) For the purpose of preventing imminent death or serious
23 physical injury, and the provision lasts only as long as is necessary to
24 prevent the death or serious physical injury; or

25 “(B) A delivery of a firearm made inoperable for the specific pur-
26 pose of being used as a prop in the making a motion picture, tele-
27 vision, digital or similar production.

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

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

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

7 **“(C) In a gun room.**

8 **“(b) For purposes of paragraph (a) of this subsection, a firearm is**
9 **not secured if a key, combination or other means of opening a lock**
10 **or container is readily available to a person the owner or possessor**
11 **has not authorized to carry or control the firearm.**

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

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

16 **“(3) If a person obtains an unsecured firearm as a result of the**
17 **owner or possessor of a firearm violating subsection (1) of this section**
18 **and the firearm is used to injure a person or property within two years**
19 **of the violation, the owner or possessor of the firearm who violated**
20 **subsection (1) of this section is strictly liable for the injury.**

21 **“(4) The liability imposed by subsection (3) of this section does not**
22 **apply if:**

23 **“(a) The injury results from a lawful act of self-defense or defense**
24 **of another person; or**

25 **“(b) The unsecured firearm was obtained:**

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

29 **“(B) For the purpose of hunting, trapping or target shooting, during**
30 **the time in which the person is engaged in activities related to hunt-**

1 **ing, trapping or target shooting;**

2 **“(C) Under circumstances in which the person and the firearm are**
3 **in the presence of the owner or possessor of the firearm;**

4 **“(D) By a person who is in the business of repairing firearms, for**
5 **the purpose of repairing the firearm;**

6 **“(E) By a person who is in the business of making or repairing**
7 **custom accessories for firearms, for the purpose of making or repair-**
8 **ing the accessories; or**

9 **“(F) From a person who is a gun dealer or is licensed as a man-**
10 **ufacturer or importer under 18 U.S.C. 923, in accordance with federal**
11 **law.**

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

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

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

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

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

24 **“(3) If a firearm transferred in a manner that violates subsection**
25 **(1) of this section is used to injure a person or property within two**
26 **years of the violation, the owner or possessor of the firearm who**
27 **transferred the firearm in violation of subsection (1) of this section is**
28 **strictly liable for the injury.**

29 **“(4) The liability imposed by subsection (3) of this section does not**
30 **apply if the injury results from a lawful act of self-defense or defense**

1 of another person.

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

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

11 **“(2)(a) A violation of subsection (1) of this section is a Class B vio-**
12 **lation.**

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

16 **“(3) If a lost or stolen firearm is used to injure a person or property**
17 **and the person who owned, possessed or controlled the firearm at the**
18 **time of the loss or theft did not report the loss or theft within the time**
19 **period required by subsection (1) of this section, the person who**
20 **owned, possessed or controlled the firearm at the time of the loss or**
21 **theft is strictly liable for the injury for two years from the expiration**
22 **of the time limit for reporting or until the loss or theft report is made,**
23 **whichever occurs sooner.**

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

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

1 “(b) The department shall enter the information concerning the lost
2 or stolen firearm into the Law Enforcement Data System or another
3 electronic database as determined by the department.

4 “(c) The department may adopt rules to carry out the provisions
5 of this subsection.

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

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

11 “(2)(a) A person who transfers a firearm to a minor, and who fails
12 to directly supervise the minor’s use of the firearm, is strictly liable
13 for injury to person or property caused by the minor’s use of the
14 firearm until the person regains possession of the firearm.

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

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

19 “(a) That is owned by the minor; or

20 “(b) To a minor by a person who is the minor’s parent or guardian
21 or who has obtained the permission of the minor’s parent or guardian:

22 “(A) For the purpose of hunting in accordance with ORS 497.360,
23 trapping or target shooting, during the time in which the minor is
24 engaged in activities related to hunting, trapping or target shooting;
25 and

26 “(B) Who holds a valid youth license under ORS 497.127 for the
27 purposes of hunting.

28 “SECTION 10. No later than January 1, 2020, the Oregon Health
29 Authority, in consultation with the Department of State Police and
30 after considering any relevant standards in the Consumer Product

1 Safety Act (15 U.S.C. 2051 et seq.), shall adopt rules establishing the
2 minimum specifications for trigger locks, cable locks and containers
3 equipped with tamper-resistant locks required by sections 6 and 7 of
4 this 2019 Act.

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

7 **“SECTION 12. (1) A person commits the offense of unlawful storage**
8 **of a firearm if:**

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

12 **“(b) A minor under 18 years of age obtains possession of the**
13 **firearm.**

14 **“(2)(a) Except as otherwise provided in paragraph (b) or (c) of this**
15 **subsection, unlawful storage of a firearm is a Class C violation.**

16 **“(b) Unlawful storage of a firearm is a Class A violation if the mi-**
17 **nor who obtains possession of the firearm intentionally, by word or**
18 **conduct, attempts to place another person in fear of imminent serious**
19 **physical injury.**

20 **“(c) Unlawful storage of a firearm is a Class A misdemeanor if the**
21 **minor who obtains possession of the firearm injures or kills a person**
22 **by means of the firearm.**

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

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

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

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

28 **or**

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

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

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

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

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

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

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

19

20 **“UNDETECTABLE AND UNTRACEABLE FIREARMS**

21

22 “SECTION 14. ORS 166.412, as amended by section 4, chapter 5, Oregon
23 Laws 2018, and section 15, chapter 120, Oregon Laws 2018, is amended to
24 read:

25 “166.412. (1) As used in this section:

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

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

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

30 “(d) ‘Firearms transaction record’ means the firearms transaction record

1 required by 18 U.S.C. 921 to 929;

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

4 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
5 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
6 the person is a retail dealer, pawnbroker or otherwise; [and]

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

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

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

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

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

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

21 “(d) The gun dealer shall request by telephone that the department con-
22 duct a criminal history record check on the purchaser and shall provide the
23 following information to the department:

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

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

26 “(C) The place of transfer;

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

28 “(E) The make, model, caliber and manufacturer’s number of the firearm
29 being transferred **or a description of the unfinished frame or receiver**
30 **being transferred;**

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

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

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

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

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

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

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

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

20 “(b) If the department is unable to determine if the purchaser is qualified
21 or disqualified from completing the transfer within 30 minutes, the depart-
22 ment shall notify the gun dealer and provide the gun dealer with an estimate
23 of the time when the department will provide the requested information.

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

30 “(4)(a) Identification required of the purchaser under subsection (2) of this

1 section shall include one piece of current identification bearing a photograph
2 and the date of birth of the purchaser that:

3 “(A) Is issued under the authority of the United States Government, a
4 state, a political subdivision of a state, a foreign government, a political
5 subdivision of a foreign government, an international governmental organ-
6 ization or an international quasi-governmental organization; and

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

9 “(b) If the identification presented by the purchaser under paragraph (a)
10 of this subsection does not include the current address of the purchaser, the
11 purchaser shall present a second piece of current identification that contains
12 the current address of the purchaser. The Superintendent of State Police may
13 specify by rule the type of identification that may be presented under this
14 paragraph.

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

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

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

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

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

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

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

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

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

20 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
21 made within 24 hours after the determination is made, unless a report would
22 compromise an ongoing investigation, in which case the report may be de-
23 layed as long as necessary to avoid compromising the investigation.

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

29 “(i) The department shall annually publish a written report, based on any
30 information received under paragraph (h) of this subsection, detailing the

1 following information for the previous year:

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

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

7 “(C) The number of investigations arising from the reports made pursuant
8 to paragraph (c) of this subsection, the number of investigations concluded
9 and the number of investigations referred for prosecution, all arranged by
10 category of prohibition; and

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

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

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

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

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

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

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

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

30 “(11) The department shall publish the firearms transaction thumbprint

1 form and shall furnish the form to gun dealers on application at cost.

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

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

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

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

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

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

17 **“(b) ‘Undetectable firearm’ means a firearm:**

18 **“(A) Constructed or produced, including through a three-**
19 **dimensional printing process, entirely of nonmetal substances;**

20 **“(B) That is not as detectable as 3.7 ounces of 17-4 PH of stainless**
21 **steel, or as the security exemplar, by a walk-through metal detector**
22 **or magnetometer after all parts other than major components have**
23 **been removed; or**

24 **“(C) That includes a major component that, if the firearm were**
25 **subjected to inspection by the types of X-ray machines or detection**
26 **devices commonly used at airports for security screening, would not**
27 **generate an image that accurately depicts the shape of the component.**

28 **“(2) A person who knowingly manufactures or causes to be manu-**
29 **factured within this state, imports into this state, or offers for sale,**
30 **sells or transfers, an undetectable firearm commits a Class B felony.**

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

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

4 **“(a) ‘Antique firearm’ and ‘unfinished frame or receiver’ have the**
5 **meanings given those terms in ORS 166.210.**

6 **“(b) ‘Untraceable firearm’ means a firearm other than an antique**
7 **firearm for which the sale or distribution chain, from a licensed**
8 **retailer to the point of first retail sale, cannot be traced by a law**
9 **enforcement agency by means of a serial number affixed to the**
10 **firearm by a federally licensed manufacturer or importer in accord-**
11 **ance with 18 U.S.C. 923(i) and all regulations issued under the au-**
12 **thority of 18 U.S.C. 923(i), including but not limited to 27 C.F.R. 478.92.**

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

17 **“(3) A person who knowingly imports into this state, offers for sale,**
18 **sells or transfers an unfinished frame or receiver commits a Class B**
19 **felony unless:**

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

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

26 **“(c) The person maintains records relating to the unfinished frame**
27 **or receiver in accordance with the procedures for record keeping re-**
28 **lated to firearms in 18 U.S.C. 923(g) and all regulations issued under**
29 **the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R.**
30 **478.121 to 478.134.**

1 **“(4) A person who knowingly possesses an unfinished frame or re-**
2 **ceiver that is not serialized as provided in subsection (3)(b) of this**
3 **section commits a Class C felony, unless:**

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

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

7
8 **“PROHIBITED POSSESSION AND TRANSFER**

9
10 **“SECTION 18.** ORS 166.210 is amended to read:

11 **“166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410**
12 **to 166.470:**

13 **“(1) ‘Antique firearm’ means:**

14 **“(a) Any firearm, including any firearm with a matchlock, flintlock, per-**
15 **cussion cap or similar type of ignition system, manufactured in or before**
16 **1898; and**

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

19 **“(A) Is not designed or redesigned for using rimfire or conventional**
20 **centerfire fixed ammunition; or**

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

24 **“(2) ‘Corrections officer’ has the meaning given that term in ORS**
25 **181A.355.**

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

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

30 **“(5) ‘Frame or receiver’ means the part of a firearm that provides**

1 **housing for the hammer, bolt or breechlock and firing mechanism and**
2 **that is usually threaded at its forward portion to receive the barrel.**

3 “[5] (6) ‘Handgun’ means any pistol or revolver using a fixed cartridge
4 containing a propellant charge, primer and projectile, and designed to be
5 aimed or fired otherwise than from the shoulder.

6 “[6] (7) ‘Machine gun’ means a weapon of any description by whatever
7 name known, loaded or unloaded, which is designed or modified to allow two
8 or more shots to be fired by a single pressure on the trigger device.

9 “[7] (8) ‘Minor’ means a person under 18 years of age.

10 “[8] (9) ‘Offense’ has the meaning given that term in ORS 161.505.

11 “[9] (10) ‘Parole and probation officer’ has the meaning given that term
12 in ORS 181A.355.

13 “[10] (11) ‘Peace officer’ has the meaning given that term in ORS
14 133.005.

15 “[11] (12) ‘Short-barreled rifle’ means a rifle having one or more barrels
16 less than 16 inches in length and any weapon made from a rifle if the weapon
17 has an overall length of less than 26 inches.

18 “[12] (13) ‘Short-barreled shotgun’ means a shotgun having one or more
19 barrels less than 18 inches in length and any weapon made from a shotgun
20 if the weapon has an overall length of less than 26 inches.

21 **“(14)(a) ‘Unfinished frame or receiver’ means a partially completed**
22 **frame or receiver consisting of a blank, casting or machined body that:**

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

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

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

28 **“(A) A component designed and intended for use in an antique**
29 **firearm;**

30 **“(B) A piece of material that has solely had its chemical composi-**

1 **tion altered; or**

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

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

5 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
6 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-
7 mits the crime of unlawful possession of a firearm if the person knowingly:

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

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

11 “(c) Possesses a firearm and:

12 “(A) Is under 18 years of age;

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

17 “(ii) Was discharged from the jurisdiction of the juvenile court within
18 four years prior to being 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 a person with mental illness and subject to an order
22 under ORS 426.130 that the person be prohibited from purchasing or pos-
23 sessed a firearm as a result of that mental illness;

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

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

28 “(H) The possession of the firearm by the person is prohibited under ORS
29 166.255[.]; **or**

30 **“(I) Has two or more convictions of unlawful storage of a firearm**

1 **under section 12 of this 2019 Act; or**

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

4 “(2) This section does not prohibit:

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

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

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

12 “(b) Any citizen of the United States over the age of 18 years who resides
13 in or is temporarily sojourning within this state, and who is not within the
14 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,
15 from owning, possessing or keeping within the person’s place of residence
16 or place of business any handgun, and no permit or license to purchase, own,
17 possess or keep any such firearm at the person’s place of residence or place
18 of business is required of any such citizen. As used in this subsection, ‘resi-
19 dence’ includes a recreational vessel or recreational vehicle while used, for
20 whatever period of time, as residential quarters.

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

23 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a
24 handgun is readily accessible within the meaning of this section if the
25 handgun is within the passenger compartment of the vehicle.

26 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
27 subsection, has no storage location that is outside the passenger compart-
28 ment of the vehicle, a handgun is not readily accessible within the meaning
29 of this section if:

30 “(A) The handgun is stored in a closed and locked glove compartment,

1 center console or other container; and

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

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

6 “(A) The handgun is in a locked container within or affixed to the vehi-
7 cle; or

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

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

11 **“SECTION 20.** ORS 166.470 is amended to read:

12 “166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274
13 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
14 of another jurisdiction, a person may not intentionally sell, deliver or oth-
15 erwise transfer any firearm when the transferor knows or reasonably should
16 know that the recipient:

17 “(a) Is under 18 years of age;

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

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

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

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

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

25 “(g) Has been convicted of a misdemeanor involving violence or found
26 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
27 olence within the previous four years. As used in this paragraph,
28 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
29 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b);

30 “(h) Is presently subject to an order under ORS 426.133 prohibiting the

1 person from purchasing or possessing a firearm; [*or*]

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

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

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

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

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

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

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

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

17 “166.274. (1) Except as provided in subsection (11) of this section, a person
18 barred from possessing or receiving a firearm may file a petition for relief
19 from the bar in accordance with subsection (2) of this section if:

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

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

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

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

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

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

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

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

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

9 “(b) When a petition is granted, the judge shall cause that information
10 and a fingerprint card of the petitioner to be entered into the Department
11 of State Police computerized criminal history files. If, after a petition is
12 granted, the petitioner is arrested and convicted of a crime that would dis-
13 qualify the petitioner from purchasing or possessing a firearm, the Depart-
14 ment of State Police shall notify the court that granted relief under this
15 section. The court shall review the order granting relief and determine
16 whether to rescind the order. The Department of State Police may charge a
17 reasonable fee, under ORS 192.324, for the entry and maintenance of infor-
18 mation under this section.

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

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

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

1 accordance with the requirements of law.

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

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

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

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

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

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

15 “(b) Has been convicted of an offense listed in ORS 137.700 or the statu-
16 tory counterpart to an offense listed in ORS 137.700 in any other jurisdiction;
17 or

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

21

22 **“FIREARM INJURY REPORTING**

23

24 **“SECTION 22. (1) The Oregon Health Authority shall obtain directly**
25 **from each hospital licensed to operate in this state, or from a third**
26 **party working on behalf of or by contract with the hospital, emergency**
27 **department discharge records and outcome data for any patient re-**
28 **ceiving treatment for an injury caused by a firearm.**

29 **“(2) The authority shall establish by rule standards for the data**
30 **obtained by the authority under this section.**

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

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

7 **“(5) The authority shall transfer the patient encounter data ele-**
8 **ments obtained under this section to the Oregon Trauma Registry.**

9 **“(6) Patient outcome data required to be submitted under this sec-**
10 **tion includes:**

11 **“(a) Discharge status;**

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

14 **“(c) Demographic or standard health care information and other**
15 **information as required by the authority by rule.**

16 **“(7) Data provided pursuant to this section shall be:**

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

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

19 **“(8) Data submitted pursuant to this section may be used for qual-**
20 **ity assurance, quality improvement, epidemiological assessment and**
21 **investigation, public health critical response planning, prevention ac-**
22 **tivities and other purposes that the authority determines necessary.**

23 **“(9) The authority may adopt rules to carry out this section.**

24
25 **“CONCEALED HANDGUN LICENSE FEES**

26
27 **“SECTION 23. ORS 166.291 is amended to read:**

28 **“166.291. (1) The sheriff of a county, upon a person’s application for an**
29 **Oregon concealed handgun license, upon receipt of the appropriate fees and**
30 **after compliance with the procedures set out in this section, shall issue the**

1 person a concealed handgun license if the person:

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

3 “(B) Is a legal resident alien who can document continuous residency in

4 the county for at least six months and has declared in writing to the United

5 States Citizenship and Immigration Services the intent to acquire citizenship

6 status and can present proof of the written declaration to the sheriff at the

7 time of application for the license;

8 “(b) Is at least 21 years of age;

9 “(c) Is a resident of the county;

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

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

12 “(f) Demonstrates competence with a handgun by any one of the follow-

13 ing:

14 “(A) Completion of any hunter education or hunter safety course approved

15 by the State Department of Fish and Wildlife or a similar agency of another

16 state if handgun safety was a component of the course;

17 “(B) Completion of any National Rifle Association firearms safety or

18 training course if handgun safety was a component of the course;

19 “(C) Completion of any firearms safety or training course or class avail-

20 able to the general public offered by law enforcement, community college,

21 or private or public institution or organization or firearms training school

22 utilizing instructors certified by the National Rifle Association or a law

23 enforcement agency if handgun safety was a component of the course;

24 “(D) Completion of any law enforcement firearms safety or training

25 course or class offered for security guards, investigators, reserve law

26 enforcement officers or any other law enforcement officers if handgun safety

27 was a component of the course;

28 “(E) Presents evidence of equivalent experience with a handgun through

29 participation in organized shooting competition or military service;

30 “(F) Is licensed or has been licensed to carry a firearm in this state, un-

1 less the license has been revoked; or

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

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

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

11 “(i) Has not been committed to the Oregon Health Authority under ORS
12 426.130;

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

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

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

24 “(A) The person can demonstrate that the person has been convicted only
25 once of a marijuana possession offense that constituted a misdemeanor or
26 violation under the law of the jurisdiction of the offense, and has not com-
27 pleted a drug diversion program for a marijuana possession offense that
28 constituted a misdemeanor or violation under the law of the jurisdiction of
29 the offense; or

30 “(B) The person can demonstrate that the person has only once completed

1 a drug diversion program for a marijuana possession offense that constituted
2 a misdemeanor or violation under the law of the jurisdiction of the offense,
3 and has not been convicted of a marijuana possession offense that consti-
4 tuted a misdemeanor or violation under the law of the jurisdiction of the
5 offense;

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

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

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

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

13 “(2) A person who has been granted relief under ORS 166.273, 166.274 or
14 166.293 or 18 U.S.C. 925(c) or has had the person’s record expunged under the
15 laws of this state or equivalent laws of other jurisdictions is not subject to
16 the disabilities in subsection (1)(g) to (L) of this section.

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

18 “(a) The application must state the applicant’s legal name, current ad-
19 dress and telephone number, date and place of birth, hair and eye color and
20 height and weight. The application must also list the applicant’s residence
21 address or addresses for the previous three years. The application must con-
22 tain a statement by the applicant that the applicant meets the requirements
23 of subsection (1) of this section. The application may include the Social Se-
24 curity number of the applicant if the applicant voluntarily provides this
25 number. The application must be signed by the applicant.

26 “(b) The applicant must submit to fingerprinting and photographing by
27 the sheriff. The sheriff shall fingerprint and photograph the applicant and
28 shall conduct any investigation necessary to corroborate the requirements
29 listed under subsection (1) of this section. If a nationwide criminal records
30 check is necessary, the sheriff shall request the Department of State Police

1 to conduct the check, including fingerprint identification, through the Fed-
2 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-
3 turn the fingerprint cards used to conduct the criminal records check and
4 may not keep any record of the fingerprints. The Department of State Police
5 shall report the results of the fingerprint-based criminal records check to the
6 sheriff. The Department of State Police shall also furnish the sheriff with
7 any information about the applicant that the Department of State Police may
8 have in its possession including, but not limited to, manual or computerized
9 criminal offender information.

10 “(4) Application forms for concealed handgun licenses shall be supplied
11 by the sheriff upon request. The forms shall be uniform throughout this state
12 in substantially the following form:

13 “ _____

14 APPLICATION FOR LICENSE TO CARRY
15 CONCEALED HANDGUN

16 Date_____

17 I hereby declare as follows:

18 I am a citizen of the United States or a legal resident alien who can
19 document continuous residency in the county for at least six months and
20 have declared in writing to the United States Citizenship and Immigration
21 Services my intention to become a citizen and can present proof of the
22 written declaration to the sheriff at the time of this application. I am at least
23 21 years of age. I have been discharged from the jurisdiction of the juvenile
24 court for more than four years if, while a minor, I was found to be within
25 the jurisdiction of the juvenile court for having committed an act that, if
26 committed by an adult, would constitute a felony or a misdemeanor involving
27 violence, as defined in ORS 166.470. I have never been convicted of a felony
28 or found guilty, except for insanity under ORS 161.295, of a felony in the
29 State of Oregon or elsewhere. I have not, within the last four years, been
30 convicted of a misdemeanor or found guilty, except for insanity under ORS

1 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have
2 not been convicted of an offense involving controlled substances or com-
3 pleted a court-supervised drug diversion program. There are no outstanding
4 warrants for my arrest and I am not free on any form of pretrial release. I
5 have not been committed to the Oregon Health Authority under ORS 426.130,
6 nor have I been found to be a person with mental illness and presently sub-
7 ject to an order prohibiting me from purchasing or possessing a firearm be-
8 cause of mental illness. I am not under a court order to participate in
9 assisted outpatient treatment that includes an order prohibiting me from
10 purchasing or possessing a firearm. If any of the previous conditions do apply
11 to me, I have been granted relief or wish to petition for relief from the dis-
12 ability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had
13 the records expunged. I am not subject to a citation issued under ORS
14 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I
15 have never received a dishonorable discharge from the Armed Forces of the
16 United States. I am not required to register as a sex offender in any state.
17 I understand I will be fingerprinted and photographed.

18

19 Legal name _____

20 Age _____ Date of birth _____

21 Place of birth _____

22 Social Security number _____

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

26

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

30 1. _____

1 2. _____

2

3 Height _____ Weight _____

4 Hair color _____ Eye color _____

5

6 Current address _____

7

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

8

9

10 City _____ County _____ Zip _____

11 Phone _____

12

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

16

(Signature of Applicant)

17

18

19 Character references.

20

21 Name: Address

22

23 Name: Address

24

25 Approved _____ Disapproved _____ by _____

26

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

28 Date _____ Fee Paid _____

29 License No. _____

30

“ _____

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

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

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

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

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

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

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

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

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

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

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

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

1 county;

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

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

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

10 **“SECTION 24. The amendments to ORS 166.291 by section 23 of this**
11 **2019 Act apply to applications for new concealed handgun licenses and**
12 **requests for license renewal or duplication submitted on or after the**
13 **effective date of this 2019 Act.**

14

15 **“LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC**
16 **BUILDINGS**

17

18 **“SECTION 25. (1) A county, a metropolitan service district organ-**
19 **ized under ORS chapter 268, or a port operating a commercial service**
20 **airport with at least 2 million passenger boardings per calendar year**
21 **may adopt an ordinance limiting or precluding the use of the affir-**
22 **mative defense described in ORS 166.370 (3)(g) concerning the pos-**
23 **session of firearms in public buildings, within each entity’s respective**
24 **jurisdiction, by persons licensed to carry a concealed handgun under**
25 **ORS 166.291 and 166.292.**

26 **“(2) A school district, college or university may adopt a policy lim-**
27 **iting or precluding the use of the affirmative defense described in ORS**
28 **166.370 (3)(g) concerning the possession of firearms in public buildings**
29 **by persons licensed to carry a concealed handgun under ORS 166.291**
30 **and 166.292.**

1 **“(3) An entity that adopts an ordinance or policy under this section**
2 **shall post a sign, visible to the public, identifying all locations where**
3 **the affirmative defense described in ORS 166.370 (3)(g) is limited or**
4 **precluded.**

5 **“(4) As used in this section, ‘public building’ has the meaning given**
6 **that term in ORS 166.360.**

7 **“SECTION 26.** ORS 166.360 is amended to read:

8 “166.360. As used in ORS 166.360 to 166.380, unless the context requires
9 otherwise:

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

15 “(2) ‘Court facility’ means a courthouse or that portion of any other
16 building occupied by a circuit court, the Court of Appeals, the Supreme
17 Court or the Oregon Tax Court or occupied by personnel related to the op-
18 erations of those courts, or in which activities related to the operations of
19 those courts take place.

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

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

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

26 “(6) ‘Loaded firearm’ means:

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

30 “(b) A muzzle-loading firearm which is capped or primed and has a powder

1 charge and ball, shot or projectile in the barrel or cylinder.

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

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

6 “(9) ‘Public building’ means:

7 “(a)(A) A hospital[.];

8 “(B) A capitol building[.];

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

10 “(D) A college or university[.];

11 “(E) A city hall; [or]

12 “(F) The residence of any state official elected by the state at large, [*and*
13 *the grounds adjacent to each such building.*] **if the residence is owned by**
14 **the state; or**

15 “(G) The [*term also includes that*] portion of any other building **owned,**
16 **occupied or controlled** by an agency of the state or a municipal corporation,
17 as defined in ORS 297.405, other than a court facility[.];

18 “(b) **The grounds, other than a parking area, adjacent to a building**
19 **described in paragraph (a) of this subsection;**

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

21 “(d) **The passenger terminal, and grounds adjacent to the passenger**
22 **terminal, of a commercial service airport that has at least 1 million**
23 **passenger boardings per calendar year.**

24 “(10) ‘Weapon’ means:

25 “(a) A firearm;

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

30 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-

1 fined in ORS 163.211;

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

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

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

7 “(g) A dangerous or deadly weapon as those terms are defined in ORS
8 161.015.

9 **“SECTION 27.** ORS 166.370 is amended to read:

10 “166.370. (1) Any person who intentionally possesses a loaded or unloaded
11 firearm or any other instrument used as a dangerous weapon, while in or on
12 a public building, shall upon conviction be guilty of a Class C felony.

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

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

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

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

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

29 “(c) Within a shared court facility, the presiding judge of a municipal
30 court or justice of the peace district may not enter an order concerning the

1 possession of weapons in the court facility that is in conflict with an order
2 entered by the presiding judge of the circuit court.

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

4 “(a) A police officer or reserve officer, as those terms are defined in ORS
5 181A.355.

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

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

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

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

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

18 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
19 concealed handgun, **except as otherwise provided in an ordinance or**
20 **policy adopted pursuant to section 25 of this 2019 Act.**

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

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

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

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

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

1 **“(k) A person who possesses a firearm in the passenger terminal,**
2 **or grounds adjacent to the passenger terminal, of a commercial service**
3 **airport that has at least 1 million passenger boardings per year, if the**
4 **firearm is unloaded and in a locked hard-sided container for the pur-**
5 **poses of transporting the firearm as checked baggage in accordance**
6 **with federal law.**

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

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

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

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

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

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

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

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

29 “(7) Notwithstanding the fact that a person’s conduct in a single criminal
30 episode constitutes a violation of both subsections (1) and (5) of this section,

1 the district attorney may charge the person with only one of the offenses.

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

4 **“SECTION 28.** ORS 166.262 is amended to read:

5 “166.262. A peace officer may not arrest or charge a person for violating
6 ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s im-
7 mediate possession:

8 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
9 166.292, **except as otherwise provided in an ordinance or policy adopted**
10 **pursuant to section 25 of this 2019 Act;**

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

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

16

17 **“MUSEUM EXCEPTION FOR PRIVATE TRANSFER**
18 **BACKGROUND CHECKS**

19

20 **“SECTION 29.** ORS 166.435 is amended to read:

21 “166.435. (1) As used in this section:

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

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

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

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

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

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

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

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

17 “(c) ‘Transferor’ means a person who is not a gun dealer or licensed as
18 a manufacturer or importer under 18 U.S.C. 923 and who intends to deliver
19 a firearm to a transferee.

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

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

29 “(b) If the transferor and the transferee reside over 40 miles from each
30 other, the transferor may ship or deliver the firearm to a gun dealer located

1 near the transferee or a gun dealer designated by the transferee, and the
2 transferor need not appear before the gun dealer in person.

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

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

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

12 “(B) Receives notification that the transferee is prohibited by state or
13 federal law from possessing or receiving the firearm, the gun dealer shall
14 notify the transferor and neither the transferor nor the gun dealer shall
15 transfer the firearm to the transferee. If the transferor shipped or delivered
16 the firearm to the gun dealer pursuant to paragraph (b) of this subsection,
17 the gun dealer shall comply with federal law when returning the firearm to
18 the transferor.

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

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

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

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

30 “(c) The transfer of a firearm to:

1 **statutory law of this state or express any legislative intent in the**
2 **enactment of this 2019 Act.**

3 **“SECTION 31. This 2019 Act takes effect on the 91st day after the**
4 **date on which the 2019 regular session of the Eightieth Legislative**
5 **Assembly adjourns sine die.”.**

6 _____