

HOUSE AMENDMENTS TO HOUSE BILL 4005

By COMMITTEE ON JUDICIARY

February 17

1 On page 2 of the printed bill, delete lines 16 through 45 and delete pages 3 and 4 and insert:

2 **“SECTION 2. As used in sections 2 to 7 of this 2020 Act:**

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

5 **“(2)(a) ‘Container’ means a box, case, chest, locker, safe or other similar receptacle,**
6 **equipped with a tamper-resistant lock.**

7 **“(b) ‘Container’ does not include a building, room or vehicle, or a space within a vehicle**
8 **that has not been designed or modified specifically for the purpose of securing a firearm.**

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

11 **“(4) ‘Firearm’ has the meaning given that term in ORS 166.210, except that it does not**
12 **include a firearm that has been rendered permanently inoperable.**

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

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

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

21 **“(6) ‘Handgun’ has the meaning given that term in ORS 166.210.**

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

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

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

27 **“SECTION 3. (1)(a) A person who owns or possesses a firearm shall, at all times that the**
28 **firearm is not carried by or under the control of the person or an authorized person, secure**
29 **the firearm:**

30 **“(A) With an engaged trigger lock or cable lock that meets or exceeds the minimum**
31 **specifications established by the Oregon Health Authority under section 7 of this 2020 Act;**

32 **“(B) In a locked container that meets or exceeds the minimum specifications established**
33 **by the Oregon Health Authority under section 7 of this 2020 Act; or**

34 **“(C) In a gun room.**

35 **“(b) For purposes of paragraph (a) of this subsection:**

1 “(A) A firearm is not secured if:
2 “(i) A key, combination or other means of opening a lock or container is readily available
3 to a person the owner or possessor has not authorized to carry or control the firearm.
4 “(ii) The firearm is a handgun, is left unattended in a vehicle and is within view of per-
5 sons outside the vehicle.
6 “(B) A firearm is under the control of a person if:
7 “(i) The person is alone in the person’s residence with the firearm; and
8 “(ii) The windows and doors of the residence are locked.
9 “(2)(a) A violation of subsection (1) of this section is a Class C violation.
10 “(b) Notwithstanding paragraph (a) of this subsection, a violation of subsection (1) of this
11 section is a Class A violation if a minor obtains an unsecured firearm as a result of the vi-
12 olation and the owner or possessor of the firearm knew or should have known that a minor
13 could gain unauthorized access to the unsecured firearm.
14 “(c) Each firearm owned or possessed in violation of subsection (1) of this section con-
15 stitutes a separate violation.
16 “(3) If a person obtains an unsecured firearm as a result of the owner or possessor of a
17 firearm violating subsection (1) of this section and the firearm is used to injure a person or
18 property within two years of the violation, the owner or possessor of the firearm who vio-
19 lated subsection (1) of this section is strictly liable for the injury.
20 “(4) The liability imposed by subsection (3) of this section does not apply if:
21 “(a) The injury results from a lawful act of self-defense or defense of another person; or
22 “(b) The unsecured firearm was obtained:
23 “(A) At a shooting range, shooting gallery or other area designed for the purpose of
24 target shooting, for use during target practice, a firearms safety or training course or class
25 or a similar lawful activity;
26 “(B) For the purpose of hunting, trapping or target shooting, during the time in which
27 the person is engaged in activities related to hunting, trapping or target shooting;
28 “(C) Under circumstances in which the person and the firearm are in the presence of the
29 owner or possessor of the firearm;
30 “(D) By a person who is in the business of repairing firearms, for the purpose of repair-
31 ing the firearm;
32 “(E) By a person who is in the business of making or repairing custom accessories for
33 firearms, for the purpose of making or repairing the accessories; or
34 “(F) By a person as a result of the person entering or remaining unlawfully in a dwelling,
35 as those terms are defined in ORS 164.205.
36 “(5) This section does not apply to a police officer as defined in ORS 181A.355, with re-
37 spect to a particular firearm, if storage of the firearm is covered by a policy of the law
38 enforcement agency employing the officer and the firearm is stored in compliance with the
39 policy.
40 “SECTION 4. (1) If a person transfers a firearm and a criminal background check under
41 ORS 166.435 is required prior to the transfer, the person shall transfer the firearm:
42 “(a) With an engaged trigger lock or cable lock that meets or exceeds the minimum
43 specifications established by the Oregon Health Authority under section 7 of this 2020 Act;
44 or
45 “(b) In a locked container that meets or exceeds the minimum specifications established

1 by the Oregon Health Authority under section 7 of this 2020 Act.

2 “(2)(a) A violation of subsection (1) of this section is a Class C violation.

3 “(b) Each firearm transferred in violation of subsection (1) of this section constitutes a
4 separate violation.

5 “(3) If a firearm transferred in a manner that violates subsection (1) of this section is
6 used to injure a person or property within two years of the violation, the owner or possessor
7 of the firearm who transferred the firearm in violation of subsection (1) of this section is
8 strictly liable for the injury.

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

11 “(5) This section does not apply to:

12 “(a) The transfer of a firearm made inoperable for the specific purpose of being used as
13 a prop in the making of a motion picture or a television, digital or similar production.

14 “(b) A transfer that occurs when a firearm is taken from the owner or possessor of the
15 firearm by force.

16 “SECTION 5. (1)(a) A person who owns, possesses or controls a firearm shall report the
17 loss or theft of the firearm to a law enforcement agency in the jurisdiction in which the loss
18 or theft occurred as soon as practicable but not later than within 72 hours of the time the
19 person knew or reasonably should have known of the loss or theft.

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

23 “(c) A person may include the serial number of the firearm in a report under this sub-
24 section.

25 “(2)(a) A violation of subsection (1) of this section is a Class B violation.

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

28 “(c) A person who knowingly provides false information in a report required by sub-
29 section (1) of this section commits the crime of initiating a false report under ORS 162.375.

30 “(3) If a lost or stolen firearm is used to injure a person or property and the person who
31 owned, possessed or controlled the firearm at the time of the loss or theft did not report the
32 loss or theft within the time period required by subsection (1) of this section, the person who
33 owned, possessed or controlled the firearm at the time of the loss or theft is strictly liable
34 for the injury for two years from the expiration of the time limit for reporting or until the
35 loss or theft report is made, whichever occurs sooner.

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

38 “(5)(a) Within 24 hours of receiving a report under subsection (1) of this section, a law
39 enforcement agency shall create a record concerning the lost or stolen firearm in the Law
40 Enforcement Data System or another electronic database as determined by the Department
41 of State Police.

42 “(b) A law enforcement agency is exempt from the obligation described in paragraph (a)
43 of this subsection if the agency is unable to create a record concerning the lost or stolen
44 firearm in the electronic database due to insufficient information.

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

1 **“SECTION 6. (1) Except as provided in subsections (3) and (4) of this section, a person**
2 **who delivers or otherwise transfers a firearm to a minor shall directly supervise the minor’s**
3 **use of the firearm.**

4 **“(2)(a) A person who delivers or otherwise transfers a firearm to a minor, and who fails**
5 **to directly supervise the minor’s use of the firearm, is strictly liable for injury to a person**
6 **or property caused by the minor’s use of the firearm.**

7 **“(b) The liability imposed by paragraph (a) of this subsection does not apply if the injury**
8 **results from a lawful act of self-defense or defense of another person.**

9 **“(3) A person who delivers or otherwise transfers a firearm to a minor may delegate to**
10 **another person, with the consent of the other person and the minor’s parent or guardian,**
11 **the duty to supervise the minor’s use of the firearm. If the duty to supervise is delegated**
12 **under this subsection, the person assuming the duty to supervise also assumes the liability**
13 **described in subsection (2) of this section.**

14 **“(4)(a) This section does not apply, with respect to a particular firearm other than a**
15 **handgun, if:**

16 **“(A) The firearm is transferred to a minor in accordance with ORS 166.470, and, as a**
17 **result of the transfer, the minor is the owner of the firearm; or**

18 **“(B) The firearm is temporarily transferred to a minor who holds a valid youth license**
19 **issued under ORS 497.127, by the minor’s parent or guardian or by another person with the**
20 **consent of the minor’s parent or guardian, for the purpose of hunting in accordance with**
21 **ORS 497.360, hunting of a predatory animal as defined in ORS 610.002 or target shooting at**
22 **a shooting range, shooting gallery or other area designed for the purpose of target shooting.**

23 **“(b) The exception described in paragraph (a)(B) of this subsection applies only during the**
24 **time in which the minor is engaged in activities related to hunting or target shooting.”.**

25 On page 5, delete lines 1 through 31.

26 In line 35, delete “equipped with tamper-resistant”.

27 In line 36, delete “locks”.

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