

A-Engrossed
Senate Bill 554

Ordered by the Senate March 22
Including Senate Amendments dated March 22

Sponsored by Senators BURDICK, MANNING JR, WAGNER, Representatives PRUSAK, REYNOLDS; Senators DEMBROW, FREDERICK, GORSEK, LIEBER, PROZANSKI, RILEY, STEINER HAYWARD, TAYLOR, Representative DEXTER (Presession filed.)

SUMMARY

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

Authorizes [*city, county, metropolitan service district, port operating commercial airport, school district, college or university*] **entity that owns, occupies or controls public building** to adopt ordinance, **rule** or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees. **Provides that ordinance, rule or policy may not affect possession of firearms in parking area or parking garage.**

Modifies definition of "public building," for purposes of crime of possession of weapon in public building, to include certain airport areas, buildings owned, **occupied** or controlled by **specified** public bodies and real property owned by college or university. **Defines "state building" and removes affirmative defense for possession of firearm in state building by concealed handgun licensee. Provides that prohibition of firearms in public buildings does not apply to person who possesses unloaded firearm in airport in locked container for transportation in accordance with federal law.** Punishes violation by maximum of five years' imprisonment, \$125,000 fine, or both.

Increases fees payable to county sheriff for issuance and renewal of concealed handgun license. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; amending ORS 166.262, 166.291, 166.360 and 166.370;
3 and prescribing an effective date.

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

5
6 **REGULATION OF FIREARMS IN PUBLIC BUILDINGS**

7
8 **SECTION 1. (1)(a) Any entity that owns, occupies or controls a public building may adopt**
9 **an ordinance, rule or policy limiting or precluding the use of the affirmative defense de-**
10 **scribed in ORS 166.370 (3)(g) concerning the possession of firearms, by persons licensed to**
11 **carry a concealed handgun under ORS 166.291 and 166.292, in those public buildings owned,**
12 **occupied or controlled by the entity.**

13 **(b) Notwithstanding paragraph (a) of this subsection, the ordinance, rule or policy may**
14 **not limit or preclude the use of the affirmative defense described in ORS 166.370 (3)(g) in that**
15 **part of any public building that serves as a parking area or parking garage.**

16 **(2) An entity that adopts an ordinance, rule or policy under this section shall:**

17 **(a) Post a sign, visible to the public, identifying all locations where the affirmative de-**
18 **fense described in ORS 166.370 (3)(g) is limited or precluded. The sign must include a uni-**
19 **versally understandable symbol indicating that firearms are prohibited or restricted.**

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

1 **(b) Post a notice on the entity’s website identifying all locations where the affirmative**
2 **defense described in ORS 166.370 (3)(g) is limited or precluded.**

3 **(3) As used in this section, “public building” has the meaning given that term in ORS**
4 **166.360.**

5 **SECTION 2.** ORS 166.360 is amended to read:

6 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

7 (1) “Capitol building” means the Capitol, the State Office Building, the State Library Building,
8 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or
9 the Public Service Building and includes any new buildings which may be constructed on the same
10 grounds as an addition to the group of buildings listed in this subsection.

11 (2) “Court facility” means a courthouse or that portion of any other building occupied by a
12 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by
13 personnel related to the operations of those courts, or in which activities related to the operations
14 of those courts take place.

15 (3) “Judge” means a judge of a circuit court, the Court of Appeals, the Supreme Court, the
16 Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

17 (4) “Judicial district” means a circuit court district established under ORS 3.012 or a justice of
18 the peace district established under ORS 51.020.

19 (5) “Juvenile court” has the meaning given that term in ORS 419A.004.

20 (6) “Loaded firearm” means:

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

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

26 (7) “Local court facility” means the portion of a building in which a justice court, a municipal
27 court, a probate court or a juvenile court conducts business, during the hours in which the court
28 operates.

29 (8) “Probate court” has the meaning given that term in ORS 111.005.

30 (9) “Public building” means:

31 **(a)(A)** A hospital[.];

32 **(B)** A capitol building[.];

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

34 **(D)** A college or university[.];

35 **(E)** A city hall; [*or*]

36 **(F)** The residence of any state official elected by the state at large[, *and the grounds adjacent*
37 *to each such building.*];

38 **(G) A building owned by the state or by a city, a county, a district as defined in ORS**
39 **198.010 or any other entity that falls within the definition of “municipal corporation” in ORS**
40 **297.405, other than a court facility; or**

41 **(H)** The [*term also includes that*] portion of any other building occupied **or controlled** by an
42 agency of the state or [*a municipal corporation, as defined*] **by a city, a county, a district as de-**
43 **fin**ed in ORS 198.010 or any other entity that falls within the definition of “municipal corpo-
44 **ration”** in ORS 297.405, other than a court facility[.];

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

1 (c) Real property owned by a college or university; or

2 (d) The passenger terminal of a commercial service airport.

3 (10) "State building" means a capitol building and any other building owned by the state
4 or occupied or controlled by an agency of the state.

5 [(10)] (11) "Weapon" means:

6 (a) A firearm;

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

10 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

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

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

13 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
14 similar instrument, the use of which could inflict injury upon a person or property; or

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

16 **SECTION 3.** ORS 166.370 is amended to read:

17 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
18 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
19 guilty of a Class C felony.

20 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
21 tionally possesses:

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

25 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
26 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
27 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

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

31 (b) The presiding judge of a judicial district or a municipal court may enter an order permitting
32 the possession of specified weapons in a court facility.

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

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

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

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

40 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
41 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
42 or corrections officer is acting within the scope of employment.

43 (d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to
44 assist in making an arrest or preserving the peace, while the summoned person is engaged in as-
45 sisting the officer.

1 (e) An honorably retired law enforcement officer.

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

4 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun,
5 **unless the person possesses a firearm in a state building or in violation of an ordinance, rule**
6 **or policy adopted pursuant to section 1 of this 2021 Act.**

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

9 (i) An employee of the United States Department of Agriculture, acting within the scope of em-
10 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

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

12 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

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

14 **(k) A person who possesses a firearm in the passenger terminal of a commercial service**
15 **airport, if the firearm is unloaded and in a locked hard-sided container for the purposes of**
16 **transporting the firearm as checked baggage in accordance with federal law.**

17 (4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative de-
18 fenses to a charge of violating subsection (1) of this section.

19 (b) A person may not use the affirmative defense described in subsection (3)(e) of this section
20 if the person has been convicted of an offense that would make the person ineligible to obtain a
21 concealed handgun license under ORS 166.291 and 166.292.

22 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges
23 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-
24 viction be guilty of a Class C felony.

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

26 (A) As part of a program approved by a school in the school by an individual who is partic-
27 ipating in the program;

28 (B) By a law enforcement officer acting in the officer's official capacity; or

29 (C) By an employee of the United States Department of Agriculture, acting within the scope of
30 employment, in the course of the lawful taking of wildlife.

31 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
32 166.279.

33 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a
34 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
35 with only one of the offenses.

36 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
37 fined in ORS 161.015.

38 **SECTION 4.** ORS 166.262 is amended to read:

39 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
40 (b) or 166.370 (1) if the person has in the person's immediate possession:

41 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, **unless the per-**
42 **son possesses a firearm in a state building or in violation of an ordinance, rule or policy**
43 **adopted pursuant to section 1 of this 2021 Act;**

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

45 (3) Proof that the person is an honorably retired law enforcement officer, unless the person has

1 been convicted of an offense that would make the person ineligible to obtain a concealed handgun
2 license under ORS 166.291 and 166.292.

3
4 **CONCEALED HANDGUN LICENSE FEES**

5
6 **SECTION 5.** ORS 166.291 is amended to read:

7 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
8 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
9 out in this section, shall issue the person a concealed handgun license if the person:

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

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

15 (b) Is at least 21 years of age;

16 (c) Is a resident of the county;

17 (d) Has no outstanding warrants for arrest;

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

19 (f) Demonstrates competence with a handgun by any one of the following:

20 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
21 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
22 of the course;

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

25 (C) Completion of any firearms safety or training course or class available to the general public
26 offered by law enforcement, community college, or private or public institution or organization or
27 firearms training school utilizing instructors certified by the National Rifle Association or a law
28 enforcement agency if handgun safety was a component of the course;

29 (D) Completion of any law enforcement firearms safety or training course or class offered for
30 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
31 cers if handgun safety was a component of the course;

32 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
33 ized shooting competition or military service;

34 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
35 revoked; or

36 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
37 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
38 was a component of the course;

39 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
40 of a felony;

41 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
42 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor
43 conviction for the possession of marijuana as described in paragraph (L) of this subsection;

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

45 (j) Has not been found to be a person with mental illness and is not subject to an order under

1 ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of
2 that mental illness;

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

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

10 (A) The person can demonstrate that the person has been convicted only once of a marijuana
11 possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of
12 the offense, and has not completed a drug diversion program for a marijuana possession offense that
13 constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

14 (B) The person can demonstrate that the person has only once completed a drug diversion pro-
15 gram for a marijuana possession offense that constituted a misdemeanor or violation under the law
16 of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that
17 constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

18 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
19 107.700 to 107.735 or 163.738;

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

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

22 (p) Is not presently subject to an order under ORS 426.133 prohibiting the person from pur-
23 chasing or possessing a firearm.

24 (2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C.
25 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of
26 other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

27 (3) Before the sheriff may issue a license:

28 (a) The application must state the applicant's legal name, current address and telephone number,
29 date and place of birth, hair and eye color and height and weight. The application must also list the
30 applicant's residence address or addresses for the previous three years. The application must contain
31 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
32 section. The application may include the Social Security number of the applicant if the applicant
33 voluntarily provides this number. The application must be signed by the applicant.

34 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
35 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
36 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
37 records check is necessary, the sheriff shall request the Department of State Police to conduct the
38 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
39 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
40 check and may not keep any record of the fingerprints. The Department of State Police shall report
41 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
42 Police shall also furnish the sheriff with any information about the applicant that the Department
43 of State Police may have in its possession including, but not limited to, manual or computerized
44 criminal offender information.

45 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-

1 quest. The forms shall be uniform throughout this state in substantially the following form:

2 _____
3
4 APPLICATION FOR LICENSE TO CARRY
5 CONCEALED HANDGUN

6 Date _____

7 I hereby declare as follows:

8 I am a citizen of the United States or a legal resident alien who can document continuous res-
9 idency in the county for at least six months and have declared in writing to the United States Cit-
10 izenship and Immigration Services my intention to become a citizen and can present proof of the
11 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
12 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
13 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
14 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
15 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
16 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
17 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
18 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
19 volving controlled substances or completed a court-supervised drug diversion program. There are
20 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
21 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a
22 person with mental illness and presently subject to an order prohibiting me from purchasing or
23 possessing a firearm because of mental illness. I am not under a court order to participate in as-
24 sisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a
25 firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to pe-
26 tition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have
27 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
28 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
29 from the Armed Forces of the United States. I am not required to register as a sex offender in any
30 state. I understand I will be fingerprinted and photographed.

31
32 Legal name _____
33 Age _____ Date of birth _____
34 Place of birth _____
35 Social Security number _____

36 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
37 thorized under ORS 166.291. It will be used only as a means of identification.)

38
39 Proof of identification (Two pieces of current identification are required, one of which must bear a
40 photograph of the applicant. The type of identification and the number on the identification are to
41 be filled in by the sheriff.):

- 42 1. _____
43 2. _____

44
45 Height _____ Weight _____

1 Hair color _____ Eye color _____

2

3 Current address _____

4

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

5

6

7 City _____ County _____ Zip _____

8 Phone _____

9

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

12

(Signature of Applicant)

13

14

15 Character references.

16

17

Name: Address

18

19

Name: Address

20

21 Approved _____ Disapproved _____ by _____

22

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

24

Date _____ Fee Paid _____

25

License No. _____

26

27

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

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

30 (B) [~~\$50~~] **\$100** to the sheriff for the **initial** issuance [*or renewal*] of a concealed handgun license.

31 **(C) \$75 to the sheriff for the renewal of a concealed handgun license.**

32 [~~(C)~~] **(D)** \$15 to the sheriff for the duplication of a license because of loss or change of address.

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

35 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
36 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
37 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
38 performance of duties under those sections.

39 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
40 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
41 is an applicant for a concealed handgun license or is a license holder.

42 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
43 for a resident of a contiguous state who has a compelling business interest or other legitimate
44 demonstrated need.

45 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the

1 person:

2 (a) Has a current Oregon driver license issued to the person showing a residence address in the
3 county;

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

6 (c) Has documentation showing that the person currently leases or owns real property in the
7 county; or

8 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
9 tax year showing a residence address in the county.

10 (10) As used in this section, “drug diversion program” means a program in which a defendant
11 charged with a marijuana possession offense completes a program under court supervision and in
12 which the marijuana possession offense is dismissed upon successful completion of the diversion
13 program.

14 **SECTION 6. The amendments to ORS 166.291 by section 5 of this 2021 Act apply to ap-**
15 **lications for new concealed handgun licenses and requests for license renewal submitted on**
16 **or after the effective date of this 2021 Act.**

17

18

CAPTIONS

19

20 **SECTION 7. The unit captions used in this 2021 Act are provided only for the convenience**
21 **of the reader and do not become part of the statutory law of this state or express any leg-**
22 **islative intent in the enactment of this 2021 Act.**

23

24

EFFECTIVE DATE

25

26 **SECTION 8. This 2021 Act takes effect on the 91st day after the date on which the 2021**
27 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

28