

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO  
SENATE BILL 554**

1 On page 1 of the printed bill, delete lines 8 through 26 and delete pages  
2 2 and 3 and insert:

3 **“SECTION 1. (1) A city, a county, a metropolitan service district**  
4 **organized under ORS chapter 268, or a port operating a commercial**  
5 **service airport may adopt an ordinance limiting or precluding the use**  
6 **of the affirmative defense described in ORS 166.370 (3)(g) concerning**  
7 **the possession of firearms in public buildings owned by or under the**  
8 **control of the entity by persons licensed to carry a concealed handgun**  
9 **under ORS 166.291 and 166.292.**

10 **“(2) A school district, college or university may adopt a policy lim-**  
11 **iting or precluding the use of the affirmative defense described in ORS**  
12 **166.370 (3)(g) concerning the possession of firearms in public buildings**  
13 **owned by or under the control of the district, college or university by**  
14 **persons licensed to carry a concealed handgun under ORS 166.291 and**  
15 **166.292.**

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

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

1       **“SECTION 2.** ORS 166.360 is amended to read:

2       “166.360. As used in ORS 166.360 to 166.380, unless the context requires  
3 otherwise:

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

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

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

17       “(4) ‘Judicial district’ means a circuit court district established under  
18 ORS 3.012 or a justice of 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  
22 or shell in or attached to the firearm including but not limited to, in a  
23 chamber, magazine or clip which is attached to the firearm.

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

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

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

30       “(9) ‘Public building’ means:

1       “(a)(A) A hospital[,];  
2       “(B) A capitol building[,];  
3       “(C) A public or private school, as defined in ORS 339.315[,];  
4       “(D) A college or university[,];  
5       “(E) A city hall; [*or*]  
6       “(F) The residence of any state official elected by the state at large[, *and*  
7 *the grounds adjacent to each such building.*];  
8       “(G) **A building owned by the state or by a city, a county or a**  
9 **metropolitan service district organized under ORS chapter 268; or**  
10       “(H) The [*term also includes that*] portion of any other building occupied  
11 **or controlled** by an agency of the state or a municipal corporation, as de-  
12 fined in ORS 297.405, other than a court facility[.];  
13       “(b) **The grounds, other than a parking area, adjacent to a building**  
14 **described in paragraph (a) of this subsection;**  
15       “(c) **Real property owned by a college or university; or**  
16       “(d) **The passenger terminal, and grounds adjacent to the passenger**  
17 **terminal, of a commercial service airport.**  
18       “(10) **‘State building’ means a capitol building and any other build-**  
19 **ing owned by the state or occupied or controlled by an agency of the**  
20 **state.**  
21       “[(10)] (11) **‘Weapon’ means:**  
22       “(a) A firearm;  
23       “(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar  
24 instrument or a knife, other than an ordinary pocketknife with a blade less  
25 than four inches in length, the use of which could inflict injury upon a  
26 person or property;  
27       “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-  
28 fined in ORS 163.211;  
29       “(d) An electrical stun gun or any similar instrument;  
30       “(e) A tear gas weapon as defined in ORS 163.211;

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

4 “(g) A dangerous or deadly weapon as those terms are defined in ORS  
5 161.015.

6 **“SECTION 3.** ORS 166.370 is amended to read:

7 “166.370. (1) Any person who intentionally possesses a loaded or unloaded  
8 firearm or any other instrument used as a dangerous weapon, while in or on  
9 a public building, shall upon conviction be guilty of a Class C felony.

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

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

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

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

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

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

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

1 “(a) A police officer or reserve officer, as those terms are defined in ORS  
2 181A.355.

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

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

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

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

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

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

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

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

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

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

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

29 “(4)(a) The exceptions listed in subsection (3)(d) to (j) of this section  
30 constitute affirmative defenses to a charge of violating subsection (1) of this

1 section.

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

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

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

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

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

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

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

21 “(7) Notwithstanding the fact that a person’s conduct in a single criminal  
22 episode constitutes a violation of both subsections (1) and (5) of this section,  
23 the district attorney may charge the person with only one of the offenses.

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

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

27 “166.262. A peace officer may not arrest or charge a person for violating  
28 ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s im-  
29 mediate possession:

30 “(1) A valid license to carry a firearm as provided in ORS 166.291 and

1 166.292, unless the person possesses a firearm in a state building or in  
2 violation of an ordinance or policy adopted pursuant to section 1 of  
3 this 2021 Act;

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

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

9 On page 4, delete lines 1 through 33.

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