

SB 554-10  
(LC 2363)  
2/23/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

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

9 **“(b) Notwithstanding paragraph (a) of this subsection, the ordi-**  
10 **nance, rule or policy may not limit or preclude the use of the affir-**  
11 **mative defense described in ORS 166.370 (3)(g) in that part of any**  
12 **public building that serves as a parking area or parking garage.**

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

15 **“(a) Post a sign, visible to the public, identifying all locations where**  
16 **the affirmative defense described in ORS 166.370 (3)(g) is limited or**  
17 **precluded. The sign must include a universally understandable symbol**  
18 **indicating that firearms are prohibited or restricted.**

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

1       **“(3) As used in this section, ‘public building’ has the meaning given**  
2 **that term in ORS 166.360.**

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

4       “166.360. As used in ORS 166.360 to 166.380, unless the context requires  
5 otherwise:

6       “(1) ‘Capitol building’ means the Capitol, the State Office Building, the  
7 State Library Building, the Labor and Industries Building, the State Trans-  
8 portation Building, the Agriculture Building or the Public Service Building  
9 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  
12 building occupied by a circuit court, the Court of Appeals, the Supreme  
13 Court or the Oregon Tax Court or occupied by personnel related to the op-  
14 erations of those courts, or in which activities related to the operations of  
15 those courts take place.

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

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

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

22       “(6) ‘Loaded firearm’ means:

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

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

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

1 “(8) ‘Probate court’ has the meaning given that term in ORS 111.005.  
2 “(9) ‘Public building’ means:  
3 “(a)(A) A hospital[,];  
4 “(B) A capitol building[,];  
5 “(C) A public or private school, as defined in ORS 339.315[,];  
6 “(D) A college or university[,];  
7 “(E) A city hall; [or]  
8 “(F) The residence of any state official elected by the state at large[, and  
9 *the grounds adjacent to each such building.*];  
10 “(G) **A building owned by the state or by a city, a county, a district  
11 as defined in ORS 198.010 or any other entity that falls within the de-  
12 finition of ‘municipal corporation’ in ORS 297.405, other than a court  
13 facility; or**  
14 “(H) The [*term also includes that*] portion of any other building occupied  
15 **or controlled** by an agency of the state or [*a municipal corporation, as de-  
16 fined*] **by a city, a county, a district as defined in ORS 198.010 or any  
17 other entity that falls within the definition of ‘municipal corporation’  
18 in ORS 297.405, other than a court facility.**];  
19 “(b) **The grounds adjacent to a building described in paragraph (a)  
20 of this subsection;**  
21 “(c) **Real property owned by a college or university; or**  
22 “(d) **The passenger terminal of a commercial service airport.**  
23 “(10) **‘State building’ means a capitol building and any other build-  
24 ing owned by the state or occupied or controlled by an agency of the  
25 state.**  
26 “[(10)] (11) ‘Weapon’ means:  
27 “(a) A firearm;  
28 “(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar  
29 instrument or a knife, other than an ordinary pocketknife with a blade less  
30 than four inches in length, the use of which could inflict injury upon a

1 person or property;

2 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-  
3 fined in ORS 163.211;

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

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

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

9 “(g) A dangerous or deadly weapon as those terms are defined in ORS  
10 161.015.

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

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

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

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

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

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

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

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

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

6 “(a) A police officer or reserve officer, as those terms are defined in ORS  
7 181A.355.

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

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

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

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

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

20 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a  
21 concealed handgun, **unless the person possesses a firearm in a state**  
22 **building or in violation of an ordinance, rule or policy adopted pursu-**  
23 **ant to section 1 of this 2021 Act.**

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

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

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

1 “(A) Is possessed by a person who is not otherwise prohibited from pos-  
2 sessing the firearm; and

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

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

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

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

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

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

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

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

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

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

30 “(7) Notwithstanding the fact that a person’s conduct in a single criminal

1 episode constitutes a violation of both subsections (1) and (5) of this section,  
2 the district attorney may charge the person with only one of the offenses.

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

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

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

9 “(1) A valid license to carry a firearm as provided in ORS 166.291 and  
10 **166.292, unless the person possesses a firearm in a state building or in**  
11 **violation of an ordinance, rule or policy adopted pursuant to section**  
12 **1 of this 2021 Act;**

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

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

18 On page 4, delete lines 1 through 33.

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