

SB 554-A12
(LC 2363)
4/13/21 (JLM/ps)

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 554**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” delete the
2 rest of the line and delete line 3 and insert “166.173, 166.260, 166.262, 166.370,
3 166.375, 166.380, 166.663 and 821.240.

4 “Whereas there is no significant data that supports the existence of what
5 A-engrossed Senate Bill 554 purports to prevent; and

6 “Whereas concealed handgun licensees are some of the most law-abiding
7 and upstanding people in our state; and

8 “Whereas data supports that less than one-hundredth of one percent of
9 Oregon concealed handgun licensees commit felonies, and of those felonies,
10 none involved a firearm; and

11 “Whereas data supports that up to 16.5 percent of active shooter situ-
12 ations are stopped by a concealed handgun licensee; and

13 “Whereas data supports that violent crime is on the rise; and

14 “Whereas data supports that concealed handgun licensees deter violent
15 crimes; and

16 “Whereas data supports that limiting the ability of concealed handgun
17 licensees to carry firearms in public spaces could result in more violent
18 crime and lost lives; and

19 “Whereas data supports that more concealed handgun licensees in public
20 spaces would deter and prevent violent crime and save lives; now,
21 therefore,”.

1 Delete lines 5 through 19 and delete pages 2 through 9 and insert:

2 **“SECTION 1.** ORS 166.173 is amended to read:

3 “166.173. (1) A city or county may adopt ordinances to regulate, restrict
4 or prohibit the possession of loaded firearms in public places as defined in
5 ORS 161.015.

6 “(2) Ordinances adopted under subsection (1) of this section do not apply
7 to or affect:

8 “(a) A law enforcement officer.

9 “(b) A member of the military in the performance of official duty.

10 “(c) A person **who is licensed under ORS 166.291 and 166.292** to carry
11 a concealed handgun.

12 **“(d) A person who is authorized to carry a concealed handgun pur-
13 suant to a valid reciprocal license.**

14 “[*d*] (e) A person authorized to possess a loaded firearm while in or on
15 a public building or court facility under ORS 166.370.

16 “[*e*] (f) An employee of the United States Department of Agriculture,
17 acting within the scope of employment, who possesses a loaded firearm in the
18 course of the lawful taking of wildlife.

19 “[*f*] (g) An honorably retired law enforcement officer, unless the person
20 who is a retired law enforcement officer has been convicted of an offense
21 that would make the person ineligible to obtain a concealed handgun license
22 under ORS 166.291 and 166.292.

23 **“(3) As used in this section, ‘reciprocal license’ means a license or
24 permit issued by a state or local law enforcement agency, a court or
25 another issuing authority of another state, if the other state author-
26 izes a person who is licensed under ORS 166.291 and 166.292 to carry a
27 concealed handgun in that state.**

28 **“SECTION 2.** ORS 166.260 is amended to read:

29 “166.260. (1) ORS 166.250 does not apply to or affect:

30 “(a) A parole and probation officer, police officer or reserve officer, as

1 those terms are defined in ORS 181A.355.

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

6 “(c) An honorably retired law enforcement officer, unless the person who
7 is a retired law enforcement officer has been convicted of an offense that
8 would make the person ineligible to obtain a concealed handgun license un-
9 der ORS 166.291 and 166.292.

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

13 “(e) The possession or transportation by any merchant of unloaded
14 firearms as merchandise.

15 “(f) Active or reserve members of:

16 “(A) The Army, Navy, Air Force, Coast Guard or Marine Corps of the
17 United States, or of the National Guard, when on duty;

18 “(B) The commissioned corps of the National Oceanic and Atmospheric
19 Administration; or

20 “(C) The Public Health Service of the United States Department of Health
21 and Human Services, when detailed by proper authority for duty with the
22 Army or Navy of the United States.

23 “(g) Organizations which are by law authorized to purchase or receive
24 weapons described in ORS 166.250 from the United States, or from this state.

25 “(h) Duly authorized military or civil organizations while parading, or the
26 members thereof when going to and from the places of meeting of their or-
27 ganization.

28 “(i) A person who is licensed under ORS 166.291 and 166.292 to carry a
29 concealed handgun.

30 “(j) **A person who is authorized to carry a concealed handgun pur-**

1 **suant to a valid reciprocal license.**

2 “(2) It is an affirmative defense to a charge of violating ORS 166.250
3 (1)(c)(C) that the person has been granted relief from the disability under
4 ORS 166.274.

5 “(3) Except for persons who are otherwise prohibited from possessing a
6 firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to
7 or affect:

8 “(a) Members of any club or organization, for the purpose of practicing
9 shooting at targets upon the established target ranges, whether public or
10 private, while such members are using any of the firearms referred to in ORS
11 166.250 upon such target ranges, or while going to and from such ranges.

12 “(b) Licensed hunters or fishermen while engaged in hunting or fishing,
13 or while going to or returning from a hunting or fishing expedition.

14 “(4) The exceptions listed in subsection (1)(d) to [(i)] (j) of this section
15 constitute affirmative defenses to a charge of violating ORS 166.250.

16 “(5) **As used in this section, ‘reciprocal license’ means a license or**
17 **permit issued by a state or local law enforcement agency, a court or**
18 **another issuing authority of another state, if the other state author-**
19 **izes a person who is licensed under ORS 166.291 and 166.292 to carry a**
20 **concealed handgun in that state.**

21 “**SECTION 3.** ORS 166.262 is amended to read:

22 “166.262. (1) A peace officer may not arrest or charge a person for vio-
23 lating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person’s
24 immediate possession:

25 “[1] (a) A valid license to carry a firearm as provided in ORS 166.291
26 and 166.292;

27 “(b) **A valid reciprocal license;**

28 “[2] (c) Proof that the person is a law enforcement officer; or

29 “[3] (d) Proof that the person is an honorably retired law enforcement
30 officer, unless the person has been convicted of an offense that would make

1 the person ineligible to obtain a concealed handgun license under ORS
2 166.291 and 166.292.

3 **“(2) As used in this section, ‘reciprocal license’ means a license or**
4 **permit issued by a state or local law enforcement agency, a court or**
5 **another issuing authority of another state that authorizes the person**
6 **to carry a concealed handgun, if the other state authorizes a person**
7 **who is licensed under ORS 166.291 and 166.292 to carry a concealed**
8 **handgun in that state.**

9 **“SECTION 4.** 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.

20 “**(h) A person who is authorized to carry a concealed handgun pur-**
21 **suant to a valid reciprocal license.**

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

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

28 “[*j*] **(k)** Possession of a firearm on school property if the firearm:

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

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

2 “(4)(a) The exceptions listed in subsection (3)(d) to [(j)] **(k)** of this section
3 constitute affirmative defenses to a charge of violating subsection (1) of this
4 section.

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

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

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

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

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

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

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

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

27 “(8) As used in this section[,]:

28 “(a) ‘Dangerous weapon’ means a dangerous weapon as that term is de-
29 fined in ORS 161.015.

30 “(b) **‘Reciprocal license’ means a license or permit issued by a state**

1 **or local law enforcement agency, a court or another issuing authority**
2 **of another state, if the other state authorizes a person who is licensed**
3 **under ORS 166.291 and 166.292 to carry a concealed handgun in that**
4 **state.**

5 **“SECTION 5.** ORS 166.375 is amended to read:

6 “166.375. (1) Notwithstanding ORS 162.135 and 162.185 or any Department
7 of Corrections regulation, rule, policy or provision of an employment con-
8 tract to the contrary, if the department has not provided a secure and locked
9 location for the storage of personal handguns and ammunition by authorized
10 staff, authorized staff may possess a personal handgun and ammunition in
11 the authorized staff member’s personal vehicle when the vehicle is parked in
12 a department parking lot if the authorized staff member:

13 “(a) Is present at a public building owned or occupied by the department;

14 “(b)(A) Has a valid concealed handgun license issued pursuant to ORS
15 166.291 and 166.292; **or**

16 **“(B) Has a valid reciprocal license; and**

17 “(c) Has secured the personal handgun and ammunition in a closed and
18 locked container designed for the storage of firearms inside the vehicle.

19 “(2)(a) Authorized staff may possess and store only the amount and types
20 of ammunition authorized by the department by written policy or rule.

21 “(b) The department shall adopt written policies or rules to carry out the
22 purposes of this section. The policies or rules shall include, at a minimum,
23 procedures for and responsibilities of authorized staff when possessing and
24 storing personal handguns and ammunition on property owned or occupied
25 by the department under this section.

26 “(3) As used in this section and ORS 423.045:

27 “(a) ‘Authorized staff’ means employees of the department and employees
28 of the State Board of Parole and Post-Prison Supervision and Oregon Cor-
29 rections Enterprises who are assigned to work in or at a public building
30 owned or occupied by the department.

1 “(b) ‘Handgun’ has the meaning given that term in ORS 166.210.

2 “(c) ‘Reciprocal license’ means a license or permit issued by a state
3 or local law enforcement agency, a court or another issuing authority
4 of another state that authorizes the person to carry a concealed
5 handgun, if the other state authorizes a person who is licensed under
6 ORS 166.291 and 166.292 to carry a concealed handgun in that state.

7 “[c)] (d) ‘Vehicle’ means a vehicle that is self-propelled and that is com-
8 monly known as a passenger car, van, truck or motorcycle.

9 “**SECTION 6.** ORS 166.380 is amended to read:

10 “166.380. (1) Except as provided in subsection (2) of this section, a peace
11 officer may examine a firearm possessed by anyone on the person while in
12 or on a public building to determine whether the firearm is a loaded firearm.

13 “(2)(a) A person who is licensed under ORS 166.291 and 166.292 to carry
14 a concealed handgun may present a valid concealed handgun license to the
15 peace officer instead of providing the firearm to the peace officer for exam-
16 ination.

17 “(b) A person who is authorized to carry a concealed handgun pur-
18 suant to a valid reciprocal license may present the valid reciprocal li-
19 cense to the peace officer instead of providing the firearm to the peace
20 officer for examination.

21 “(3) As used in this section, ‘reciprocal license’ means a license or
22 permit issued by a state or local law enforcement agency, a court or
23 another issuing authority of another state, if the other state author-
24 izes a person who is licensed under ORS 166.291 and 166.292 to carry a
25 concealed handgun in that state.

26 “**SECTION 7.** ORS 166.663 is amended to read:

27 “166.663. (1) A person may not cast from a motor vehicle an artificial light
28 while there is in the possession or in the immediate physical presence of the
29 person a bow and arrow or a firearm.

30 “(2) Subsection (1) of this section does not apply to a person casting an

1 artificial light:

2 “(a) From the headlights of a motor vehicle that is being operated on a
3 road in the usual manner.

4 “(b) When the bow and arrow or firearm that the person has in the pos-
5 session or immediate physical presence of the person is disassembled or
6 stored, or in the trunk or storage compartment of the motor vehicle.

7 “(c) When the ammunition or arrows are stored separate from the weapon.

8 “(d) On land owned or lawfully occupied by that person.

9 “(e) On publicly owned land when that person has an agreement with the
10 public body to use that property.

11 “(f) When the person is a peace officer, or is a government employee en-
12 gaged in the performance of official duties.

13 “(g) When the person has been issued a license under ORS 166.291 and
14 166.292 to carry a concealed handgun.

15 “**(h) When the person is authorized to carry a concealed handgun**
16 **pursuant to a valid reciprocal license.**

17 “[*h*] (i) When the person is an honorably retired law enforcement officer,
18 unless the person has been convicted of an offense that would make the
19 person ineligible to obtain a concealed handgun license under ORS 166.291
20 and 166.292.

21 “(3) A peace officer may issue a citation to a person for a violation of
22 subsection (1) of this section when the violation is committed in the presence
23 of the peace officer or when the peace officer has probable cause to believe
24 that a violation has occurred based on a description of the vehicle or other
25 information received from a peace officer who observed the violation.

26 “(4) Violation of subsection (1) of this section is punishable as a Class B
27 violation.

28 “(5) As used in this section[,]:

29 “**(a)** ‘Peace officer’ has the meaning given that term in ORS 161.015.

30 “**(b)** ‘Reciprocal license’ means a license or permit issued by a state

1 **or local law enforcement agency, a court or another issuing authority**
2 **of another state, if the other state authorizes a person who is licensed**
3 **under ORS 166.291 and 166.292 to carry a concealed handgun in that**
4 **state.**

5 **“SECTION 8.** ORS 821.240 is amended to read:

6 “821.240. (1) A person commits the offense of operating a snowmobile or
7 an all-terrain vehicle while carrying a firearm or bow if the person operates
8 any snowmobile or all-terrain vehicle with a firearm in the possession of the
9 person, unless the firearm is unloaded, or with a bow, unless all arrows are
10 in a quiver.

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

12 “(a) A person who is licensed under ORS 166.291 and 166.292 to carry a
13 concealed handgun;

14 **“(b) A person who is authorized to carry a concealed handgun pur-**
15 **suant to a valid reciprocal license;**

16 “[*b*] (c) A law enforcement officer; or

17 “[*c*] (d) An honorably retired law enforcement officer, unless the person
18 who is a retired law enforcement officer has been convicted of an offense
19 that would make the person ineligible to obtain a concealed handgun license
20 under ORS 166.291 and 166.292.

21 “(3) As used in this section[,]:

22 **“(a) ‘Reciprocal license’ means a license or permit issued by a state**
23 **or local law enforcement agency, a court or another issuing authority**
24 **of another state, if the other state authorizes a person who is licensed**
25 **under ORS 166.291 and 166.292 to carry a concealed handgun in that**
26 **state.**

27 **“(b) ‘Unloaded’ means:**

28 “[*a*] (A) If the firearm is a revolver, that there is no live cartridge in
29 the chamber that is aligned with the hammer of the revolver;

30 “[*b*] (B) If the firearm is a muzzle-loading firearm, that the firearm is

1 not capped or primed; or

2 “[*(c)*] (C) If the firearm is other than a revolver or a muzzle-loading
3 firearm, that there is no live cartridge in the chamber.

4 “(4) The offense described in this section, operating a snowmobile or an
5 all-terrain vehicle while carrying a firearm or bow, is a Class B traffic vio-
6 lation.

7 **“SECTION 9. The amendments to ORS 166.173, 166.260, 166.262,
8 166.370, 166.375, 166.380, 166.663 and 821.240 by sections 1 to 8 of this 2021
9 Act apply to conduct occurring on or after the effective date of this
10 2021 Act.”.**

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