

SB 554-A22
(LC 2363)
4/21/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

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

1 On page 1 of the printed A-engrossed bill, delete lines 8 through 19.

2 On page 2, delete lines 1 through 4 and insert:

3 **“SECTION 1. (1)(a) The governing board of a public university listed**
4 **in ORS 352.002, the governing board of a community college or a dis-**
5 **trict school board as defined in ORS 332.002 may adopt a policy pro-**
6 **viding that the affirmative defense described in ORS 166.370 (3)(g),**
7 **concerning persons licensed to carry a concealed handgun under ORS**
8 **166.291 and 166.292, does not apply to the possession of firearms in or**
9 **on school property controlled by the board.**

10 **“(b) The policy described in paragraph (a) of this subsection may**
11 **not apply to school property locations where persons are commonly**
12 **picked up or dropped off by a motor vehicle.**

13 **“(2) A board that adopts a policy under this section shall:**

14 **“(a) Post a clearly visible sign, at all normal points of entry to the**
15 **school property subject to the policy described in subsection (1) of this**
16 **section, indicating that the affirmative defense described in ORS**
17 **166.370 (3)(g) does not apply. The signs must include a universally un-**
18 **derstandable symbol indicating that firearms are restricted.**

19 **“(b) Post a notice on the board’s website identifying all school**
20 **property subject to the policy described in subsection (1) of this sec-**
21 **tion.”.**

1 On page 3, delete lines 16 through 45 and delete page 4 and insert:

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

3 “166.370. (1)(a) Any person who intentionally possesses a loaded or un-
4 loaded firearm or any other instrument used as a dangerous weapon, while
5 in or on a public building, shall upon conviction be guilty of a Class C fel-
6 ony.

7 **“(b) Notwithstanding paragraph (a) of this subsection, in a prose-**
8 **cution under this section for the possession of a firearm within a state**
9 **building, within the passenger terminal of a commercial service air-**
10 **port or on school property subject to a policy described in section 1**
11 **of this 2021 Act, if the person proves by a preponderance of the evi-**
12 **dence that, at the time of the possession, the person was licensed un-**
13 **der ORS 166.291 and 166.292 to carry a concealed handgun, upon**
14 **conviction the person is guilty of a Class A misdemeanor.**

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)(a) 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, **except as provided in subsection (1)(b) of this sec-**
22 **tion.**

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

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

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

30 “(A) Is possessed by a person who is not otherwise prohibited from pos-

1 sessing the firearm; and

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

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

7 “(4)(a) **Except as provided in subsection (1)(b) of this section,** the
8 exceptions listed in subsection (3)(d) to (j) of this section constitute affir-
9 mative defenses to a charge of violating subsection (1)(a) of this section.

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

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

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

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

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

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

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

29 “(7) Notwithstanding the fact that a person’s conduct in a single criminal
30 episode constitutes a violation of both subsections (1) and (5) of this section,

1 the district attorney may charge the person with only one of the offenses.

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

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

5 “166.262. A peace officer may not arrest or charge a person for violating
6 ORS 166.250 (1)(a) or (b) or 166.370 (1)(a) if the person has in the person’s
7 immediate possession:

8 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
9 166.292, **unless the person possesses a firearm within a state building,**
10 **within the passenger terminal of a commercial service airport or on**
11 **school property subject to a policy described in section 1 of this 2021**
12 **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 5, delete lines 1 and 2.

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