

House Bill 2006

Sponsored by Representatives EVANS, REYNOLDS, GRAYBER, KROPF

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 **as introduced**.

Prohibits person under 21 years of age from possessing firearms with specified exceptions. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Prohibits person from transferring certain firearms to recipient person knows, or reasonably should know, is under 21 years of age. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Specifies exceptions.

A BILL FOR AN ACT

Relating to firearms; creating new provisions; and amending ORS 166.250, 166.260 and 166.470.

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

SECTION 1. The amendments to ORS 166.250, 166.260 and 166.470 by sections 2 to 4 of this 2023 Act shall be known and may be cited as the Russell Paul Evans Act.

SECTION 2. ORS 166.250 is amended to read:

166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm if the person knowingly:

(a) Carries any firearm concealed upon the person;

(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle; or

(c) Possesses a firearm and:

(A) Is under [18] **21** years of age;

(B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having committed an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470; and

(ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being charged under this section;

(C) Has been convicted of a felony;

(D) Was committed to the Oregon Health Authority under ORS 426.130;

(E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

(F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing or possessing a firearm;

(G) Has been found guilty except for insanity under ORS 161.295 of a felony; or

(H) The possession of the firearm by the person is prohibited under ORS 166.255.

(2) This section does not prohibit:

[(a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from possessing a firearm.]

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 [(A) *Other than a handgun, if the firearm was transferred to the minor by the minor's parent or*
 2 *guardian or by another person with the consent of the minor's parent or guardian; or]*

3 [(B) *Temporarily for hunting, target practice or any other lawful purpose; or]*

4 [(b)] (a) Any citizen of the United States over the age of [18] **21** years who resides in or is
 5 temporarily sojourning within this state, and who is not within the excepted classes prescribed by
 6 ORS 166.270 and subsection (1) of this section, from owning, possessing or keeping within the
 7 person's place of residence or place of business any handgun, and no permit or license to purchase,
 8 own, possess or keep any such firearm at the person's place of residence or place of business is re-
 9 quired of any such citizen. As used in this subsection, "residence" includes a recreational vessel or
 10 recreational vehicle while used, for whatever period of time, as residential quarters[.];

11 **(b) A person who is at least 18 years of age and under 21 years of age and who is not**
 12 **otherwise prohibited under subsection (1)(c)(B) to (H) of this section from possessing:**

13 **(A) A single-shot rifle, whether centerfire or rimfire;**

14 **(B) A double-barreled shotgun;**

15 **(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump,**
 16 **straight-pull or revolving action;**

17 **(D) A rifle with an attached tubular magazine designed to accept, and capable of operat-**
 18 **ing only with, 0.22 caliber rimfire ammunition;**

19 **(E) A muzzleloader rifle; or**

20 **(F) A shotgun with a pump, break, level or revolving action; or**

21 **(c) A minor, who is not otherwise prohibited under subsection (1)(c)(B) to (H) of this**
 22 **section, from temporarily possessing a firearm listed in paragraph (b) of this subsection if**
 23 **the firearm was transferred to the minor by the minor's parent or guardian.**

24 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

25 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
 26 cessible within the meaning of this section if the handgun is within the passenger compartment of
 27 the vehicle.

28 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
 29 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
 30 sible within the meaning of this section if:

31 (A) The handgun is stored in a closed and locked glove compartment, center console or other
 32 container; and

33 (B) The key is not inserted into the lock, if the glove compartment, center console or other
 34 container unlocks with a key.

35 (c) If the vehicle is a motorcycle, an all-terrain vehicle or a snowmobile, a handgun is not
 36 readily accessible within the meaning of this section if:

37 (A) The handgun is in a locked container within or affixed to the vehicle; or

38 (B) The handgun is equipped with a trigger lock or other locking mechanism that prevents the
 39 discharge of the firearm.

40 (5) Unlawful possession of a firearm is a Class A misdemeanor.

41 **SECTION 3.** ORS 166.260 is amended to read:

42 166.260. (1) ORS 166.250 **(1)(a), (b) and (c)(B) to (H)** does not apply to or affect:

43 (a) A parole and probation officer, police officer or reserve officer[, *as those terms are defined*
 44 *in ORS 181A.355].*

45 (b) A federal officer, [*as defined in ORS 133.005, or a*] certified reserve officer or corrections

1 officer, [as those terms are defined in ORS 181A.355,] while the federal officer, certified reserve of-
 2 ficer or corrections officer is acting within the scope of employment.

3 (c) An honorably retired law enforcement officer, unless the person who is a retired law
 4 enforcement officer has been convicted of an offense that would make the person ineligible to obtain
 5 a concealed handgun license under ORS 166.291 and 166.292.

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

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

10 (f) Active or reserve members of:

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

13 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

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

16 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS
 17 166.250 from the United States, or from this state.

18 (h) Duly authorized military or civil organizations while parading, or the members thereof when
 19 going to and from the places of meeting of their organization.

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

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

23 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
 24 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

29 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
 30 turning from a hunting or fishing expedition.

31 (4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses
 32 to a charge of violating ORS 166.250.

33 **(5) ORS 166.250 (1)(c)(A) does not apply to or affect police officers, certified reserve offi-
 34 cers, reserve officers or active or reserve members of the Army, Navy, Air Force, Coast
 35 Guard or Marine Corps of the United States or of the National Guard.**

36 **(6) As used in this section:**

37 **(a) "Certified reserve officer," "corrections officer," "parole and probation officer," "po-
 38 lice officer" and "reserve officer" have the meanings given those terms in ORS 181A.355.**

39 **(b) "Federal officer" has the meaning given that term in ORS 133.005.**

40 **SECTION 4.** ORS 166.470 is amended to read:

41 166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or
 42 the expunction laws of this state or an equivalent law of another jurisdiction, a person may not in-
 43 tentiously sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
 44 should know that the recipient:

45 (a) Is under [18] **21** years of age;

- 1 (b) Has been convicted of a felony;
- 2 (c) Has any outstanding felony warrants for arrest;
- 3 (d) Is free on any form of pretrial release for a felony;
- 4 (e) Was committed to the Oregon Health Authority under ORS 426.130;
- 5 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
6 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
7 of that mental illness;
- 8 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
9 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
10 this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160,
11 163.187, 163.190, 163.195 or 166.155 (1)(b);
- 12 (h) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
13 or possessing a firearm; or
- 14 (i) Has been found guilty except for insanity under ORS 161.295 of a felony.
- 15 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
16 reasonably should know is stolen.
- 17 (3) Subsection (1)(a) of this section does not prohibit:
- 18 *[(a) The parent or guardian, or another person with the consent of the parent or guardian, of a*
19 *minor from transferring to the minor a firearm, other than a handgun; or]*
- 20 *[(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other*
21 *lawful purpose.]*
- 22 **(a) The transfer of a firearm to a person under 21 years of age who is a police officer,**
23 **certified reserve officer, reserve officer or active or reserve member of the Army, Navy, Air**
24 **Force, Coast Guard or Marine Corps of the United States or of the National Guard;**
- 25 **(b) The transfer of a firearm described in ORS 166.250 (2)(b) to a person who is at least**
26 **18 years of age and under 21 years of age; or**
- 27 **(c) The parent or guardian of a minor from temporarily transferring a firearm described**
28 **in ORS 166.250 (2)(b) to the minor.**
- 29 (4) Violation of this section is a Class A misdemeanor.
- 30 (5) **As used in this section, "certified reserve officer," "police officer" and "reserve**
31 **officer" have the meanings given those terms in ORS 181A.355.**

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