

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO
HOUSE BILL 2005**

1 On page 1 of the printed bill, line 2, after “166.250” delete the rest of the
2 line and delete line 3 and insert “, 166.260, 166.262, 166.360, 166.370, 166.377,
3 166.403, 166.412 and 166.470; and declaring an emergency.”.

4 Delete lines 5 through 21 and delete pages 2 through 9 and insert:

5 **“SECTION 1.** ORS 166.210 is amended to read:

6 “166.210. As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410
7 to 166.470:

8 “(1) ‘Antique firearm’ means:

9 “(a) Any firearm, including any firearm with a matchlock, flintlock, per-
10 cussion cap or similar type of ignition system, manufactured in or before
11 1898; and

12 “(b) Any replica of any firearm described in paragraph (a) of this sub-
13 section if the replica:

14 “(A) Is not designed or redesigned for using rimfire or conventional
15 centerfire fixed ammunition; or

16 “(B) Uses rimfire or conventional centerfire fixed ammunition that is no
17 longer manufactured in the United States and that is not readily available
18 in the ordinary channels of commercial trade.

19 “(2) ‘Corrections officer’ has the meaning given that term in ORS
20 181A.355.

21 “(3) ‘Firearm’ means a weapon, by whatever name known, which is de-

1 signed to expel a projectile by the action of powder.

2 “(4) ‘Firearms silencer’ means any device for silencing, muffling or di-
3 minishing the report of a firearm.

4 “(5) **‘Frame’ means the part of a handgun, or variant of a handgun,**
5 **that provides housing or a structure for the primary energized com-**
6 **ponent designed to hold back the hammer, striker, bolt or similar**
7 **element, prior to initiation of the firing sequence, even if pins or other**
8 **attachments are required to attach the component to the housing or**
9 **structure.**

10 “[5] (6) ‘Handgun’ means any pistol or revolver using a fixed cartridge
11 containing a propellant charge, primer and projectile, and designed to be
12 aimed or fired otherwise than from the shoulder.

13 “[6] (7) ‘Machine gun’ means a weapon of any description by whatever
14 name known, loaded or unloaded, which is designed or modified to allow two
15 or more shots to be fired by a single pressure on the trigger device.

16 “(8) **‘Major component’ has the meaning given that term in 18**
17 **U.S.C. 922.**

18 “[7] (9) ‘Minor’ means a person under 18 years of age.

19 “[8] (10) ‘Offense’ has the meaning given that term in ORS 161.505.

20 “[9] (11) ‘Parole and probation officer’ has the meaning given that term
21 in ORS 181A.355.

22 “[10] (12) ‘Peace officer’ has the meaning given that term in ORS
23 133.005.

24 “(13) **‘Receiver’ means the part of a rifle, shotgun or projectile**
25 **weapon other than a handgun, or a variant of a rifle, shotgun or**
26 **projectile weapon other than a handgun, that provides housing or a**
27 **structure for the primary component designed to block or seal the**
28 **breech prior to initiation of the firing sequence, even if pins or other**
29 **attachments are required to connect the component to the housing or**
30 **structure.**

1 **“(14) ‘Security exemplar’ has the meaning given that term in 18**
2 **U.S.C. 922.**

3 **“[(11)] (15) ‘Short-barreled rifle’ means a rifle having one or more barrels**
4 **less than 16 inches in length and any weapon made from a rifle if the weapon**
5 **has an overall length of less than 26 inches.**

6 **“[(12)] (16) ‘Short-barreled shotgun’ means a shotgun having one or more**
7 **barrels less than 18 inches in length and any weapon made from a shotgun**
8 **if the weapon has an overall length of less than 26 inches.**

9 **“(17) ‘Undetectable firearm’ means a firearm:**

10 **“(a) Constructed or produced, including through a three-**
11 **dimensional printing process, entirely of nonmetal substances;**

12 **“(b) That, after removal of grips, stocks and magazines, is not as**
13 **detectable as a security exemplar by a walk-through metal detector**
14 **calibrated to detect the security exemplar; or**

15 **“(c) That includes a major component that, if subjected to in-**
16 **spection by the types of X-ray machines commonly used at airports,**
17 **would not generate an image that accurately depicts the shape of the**
18 **component.**

19 **“(18)(a) ‘Unfinished frame or receiver’ means a forging, casting,**
20 **printing, extrusion, machined body or similar item that:**

21 **“(A) Is designed to or may readily be completed, assembled or oth-**
22 **erwise converted to function as a frame or receiver; or**

23 **“(B) Is marketed or sold to the public to be completed, assembled**
24 **or otherwise converted to function as a frame or receiver.**

25 **“(b) ‘Unfinished frame or receiver’ does not include a component**
26 **designed and intended for use in an antique firearm.**

27 **“(19) ‘Variant’ means a weapon that utilizes a similar frame or re-**
28 **ceiver design as another weapon, irrespective of new or different model**
29 **designations or configurations, characteristics, features, components,**
30 **accessories or attachments.**

1 **“SECTION 2. Sections 3, 4 and 5 of this 2023 Act are added to and**
2 **made a part of ORS 166.250 to 166.270.**

3 **“SECTION 3. (1)(a) A person may not knowingly manufacture or**
4 **cause to be manufactured within this state, import into this state, or**
5 **offer for sale, sell or transfer, an undetectable firearm.**

6 **“(b) A violation of paragraph (a) of this subsection is a Class B**
7 **felony.**

8 **“(2)(a) A person may not knowingly possess an undetectable**
9 **firearm.**

10 **“(b)(A) A violation of paragraph (a) of this subsection is a Class A**
11 **misdemeanor.**

12 **“(B) Notwithstanding subparagraph (A) of this paragraph, a vio-**
13 **lation of paragraph (a) of this subsection is a Class B felony if, at the**
14 **time of the offense, the person has one or more prior convictions un-**
15 **der this section or section 4 or 5 of this 2023 Act.**

16 **“(3) A person convicted under this section shall forfeit the unde-**
17 **tectable firearm.**

18 **“(4) As used in this section, ‘prior conviction’ includes a conviction**
19 **for a violation offense.**

20 **“SECTION 4. (1) A person may not knowingly possess, offer for sale,**
21 **sell or transfer a firearm unless the firearm has been imprinted with**
22 **a serial number by a federally licensed firearm manufacturer, importer**
23 **or dealer, or a gunsmith with a federal firearms license, in accordance**
24 **with federal law.**

25 **“(2) This section does not apply to:**

26 **“(a) Antique firearms;**

27 **“(b) Firearms manufactured prior to October 22, 1968;**

28 **“(c) Firearms rendered permanently inoperable;**

29 **“(d) The sale, offer to sell, or transfer of a firearm to, or possession**
30 **of a firearm by, a person licensed as a firearm manufacturer, importer**

1 or dealer under 18 U.S.C. 923; or

2 “(e) A gunsmith taking possession of a firearm for the purpose of
3 imprinting the firearm with a serial number in accordance with fed-
4 eral law.

5 “(3)(a) A violation of subsection (1) of this section constitutes a
6 Class B violation.

7 “(b) Notwithstanding paragraph (a) of this subsection, a violation
8 of subsection (1) of this section is a Class A misdemeanor if, at the
9 time of the offense, the person has a prior conviction under this sec-
10 tion or section 3 or 5 of this 2023 Act.

11 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, a
12 violation of subsection (1) of this section is a Class B felony if, at the
13 time of the offense, the person has two or more prior convictions un-
14 der this section or section 3 or 5 of this 2023 Act.

15 “(4) A person convicted of any offense under this section shall for-
16 feit the firearm.

17 “(5) As used in this section, ‘prior conviction’ includes a conviction
18 for a violation offense.

19 **“SECTION 5. (1)(a) A person may not knowingly import into this
20 state, offer for sale, sell or transfer an unfinished frame or receiver
21 unless:**

22 **“(A) The person is licensed as a firearm dealer under 18 U.S.C. 923;**

23 **“(B) The name of the manufacturer and an individual serial number
24 is conspicuously placed on the unfinished frame or receiver in ac-
25 cordance with the procedures for the serialization of a firearm in 18
26 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C. 923(i),
27 including but not limited to 27 C.F.R. 478.92; and**

28 **“(C) The person maintains records relating to the unfinished frame
29 or receiver in accordance with the procedures for record keeping re-
30 lated to firearms in 18 U.S.C. 923(g) and all regulations issued under**

1 the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R.
2 478.121 to 478.134.

3 “(b)(A) A violation of paragraph (a) of this subsection is a Class B
4 violation.

5 “(B) Notwithstanding subparagraph (A) of this paragraph, a vio-
6 lation of paragraph (a) of this subsection is a Class A misdemeanor if,
7 at the time of the offense, the person has a prior conviction under this
8 section or section 3 or 4 of this 2023 Act.

9 “(C) Notwithstanding subparagraphs (A) and (B) of this paragraph,
10 a violation of paragraph (a) of this subsection constitutes a Class B
11 felony if, at the time of the offense, the person has two or more prior
12 convictions under this section or section 3 or 4 of this 2023 Act.

13 “(2)(a) A person may not knowingly possess an unfinished frame
14 or receiver that is not serialized as provided in subsection (1)(a)(B) of
15 this section, unless:

16 “(A) The person is a federally licensed gun manufacturer; and

17 “(B) The unfinished frame or receiver is an unfinished part within
18 a manufacturing process that includes serialization.

19 “(b) A violation of paragraph (a) of this subsection occurring before
20 September 1, 2024, does not constitute an offense.

21 “**SECTION 6.** ORS 166.250 is amended to read:

22 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,
23 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-
24 mits the crime of unlawful possession of a firearm if the person knowingly:

25 “(a) Carries any firearm concealed upon the person;

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

28 “(c) Possesses a firearm and:

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

30 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-

1 venile court for having committed an act which, if committed by an adult,
2 would constitute a felony or a misdemeanor involving violence, as defined
3 in ORS 166.470; and

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

6 “(C) Has been convicted of a felony;

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

8 “(E) Was found to be a person with mental illness and subject to an order
9 under ORS 426.130 that the person be prohibited from purchasing or pos-
10 sessing a firearm as a result of that mental illness;

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

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

15 “(H) The possession of the firearm by the person is prohibited under ORS
16 166.255[.]; **or**

17 **“(d) Possesses an unfinished frame or receiver and is prohibited**
18 **from possessing firearms under paragraph (c) of this subsection.**

19 “(2) This section does not prohibit:

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

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

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

27 “[*(b)*] **(a)** Any citizen of the United States over the age of [18] **21** years
28 who resides in or is temporarily sojourning within this state, and who is not
29 within the excepted classes prescribed by ORS 166.270 and subsection (1) of
30 this section, from owning, possessing or keeping within the person’s place

1 of residence or place of business any handgun, and no permit or license to
2 purchase, own, possess or keep any such firearm at the person's place of
3 residence or place of business is required of any such citizen. As used in this
4 subsection, 'residence' includes a recreational vessel or recreational vehicle
5 while used, for whatever period of time, as residential quarters[.];

6 **“(b) A person who is at least 18 years of age and who is not other-
7 wise prohibited under subsection (1)(c)(B) to (H) of this section from
8 possessing:**

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

10 **“(B) A double-barreled shotgun;**

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

13 **“(D) A rifle with an attached tubular magazine designed to accept,
14 and capable of operating only with, 0.22 caliber rimfire ammunition;**

15 **“(E) A muzzleloader rifle; or**

16 **“(F) A shotgun with a pump, break, lever or revolving action;**

17 **“(c) A person who is at least 18 years of age years of age and who
18 is not otherwise prohibited under subsection (1)(c)(B) to (H) of this
19 section from possessing an unfinished frame or receiver that is seri-
20 alized as required by section 5 of this 2023 Act and designed for use in
21 a firearm listed in paragraph (b) of this subsection; or**

22 **“(d) A minor, who is not otherwise prohibited under subsection
23 (1)(c)(B) to (H) of this section, from possessing a firearm listed in
24 paragraph (b) of this subsection if the firearm was transferred to the
25 minor by the minor's parent or guardian, or by another person with
26 the consent of the parent or guardian, for the purposes of hunting or
27 target practice.**

28 **“(3) Firearms carried openly in belt holsters are not concealed within the
29 meaning of this section.**

30 **“(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a**

1 handgun is readily accessible within the meaning of this section if the
2 handgun is within the passenger compartment of the vehicle.

3 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this
4 subsection, has no storage location that is outside the passenger compart-
5 ment of the vehicle, a handgun is not readily accessible within the meaning
6 of this section if:

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

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

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

13 “(A) The handgun is in a locked container within or affixed to the vehi-
14 cle; or

15 “(B) The handgun is equipped with a trigger lock or other locking mech-
16 anism that prevents the discharge of the firearm.

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

18 **“(6) It is an affirmative defense to a charge under subsection**
19 **(1)(c)(A) of this section based on the possession by a person under 21**
20 **years of age of a firearm not listed in subsection (2)(b) of this section**
21 **that:**

22 **“(a) The firearm was owned by the person before the effective date**
23 **of this 2023 Act and has been maintained in the person’s control or**
24 **possession since the effective date of this 2023 Act; or**

25 **“(b) The person, prior to the commencement of prosecution under**
26 **subsection (1)(c)(A) of this section by arrest, citation or formal charge,**
27 **permanently and voluntarily relinquished the firearm to a law**
28 **enforcement agency or to a buyback or turn-in program approved by**
29 **a law enforcement agency.**

30 **“SECTION 7.** ORS 166.260 is amended to read:

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

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

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

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

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

18 “(f) Active or reserve members of:

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

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

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

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

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

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

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

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

9 “(a) Members of any club or organization, for the purpose of practicing
10 shooting at targets upon the established target ranges, whether public or
11 private, while such members are using any of the firearms referred to in ORS
12 166.250 upon such target ranges, or while going to and from such ranges.

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

15 “(4) The exceptions listed in subsection (1)(d) to (i) of this section con-
16 stitute affirmative defenses to a charge of violating ORS 166.250.

17 “(5) **ORS 166.250 (1)(c)(A) does not apply to or affect police officers,**
18 **certified reserve officers, reserve officers or active or reserve members**
19 **of the Army, Navy, Air Force, Coast Guard or Marine Corps of the**
20 **United States or of the National Guard.**

21 “(6) **As used in this section:**

22 “(a) **‘Certified reserve officer,’ ‘corrections officer,’ ‘parole and**
23 **probation officer,’ ‘police officer’ and ‘reserve officer’ have the**
24 **meanings given those terms in ORS 181A.355.**

25 “(b) **‘Federal officer’ has the meaning given that term in ORS**
26 **133.005.**

27 “**SECTION 8.** ORS 166.262 is amended to read:

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

1 “(1) A valid license to carry a firearm as provided in ORS 166.291 and
2 166.292, unless the person possesses a firearm:

3 “(a) Within the Capitol[,];

4 “(b) Within the passenger terminal of a commercial service airport with
5 over one million passenger boardings per year;

6 “(c) **In or on a public building subject to a policy described in ORS**
7 **166.377 (3);** or

8 “(d) On school grounds subject to a policy described in ORS 166.377 (1);

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

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

14 “**SECTION 9.** ORS 166.360 is amended to read:

15 “166.360. As used in ORS 166.360 to 166.380, unless the context requires
16 otherwise:

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

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

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

30 “(4) ‘Judicial district’ means a circuit court district established under

1 ORS 3.012 or a justice of the peace district established under ORS 51.020.

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

3 “(6) ‘Loaded firearm’ means:

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

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

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

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

13 “(9) ‘Public building’ means:

14 “(a) A hospital, a capitol building, a public or private school, as defined
15 in ORS 339.315, a college or university, a city hall or the residence of any
16 state official elected by the state at large, and the grounds adjacent to each
17 such building. The term also includes that portion of any other building oc-
18 cupied by an agency of the state or by a city, a county, a district as defined
19 in ORS 198.010 or any other entity that falls within the definition of ‘mu-
20 nicipal corporation’ in ORS 297.405, other than a court facility, **and the**
21 **grounds adjacent to each such building;** or

22 “(b) The passenger terminal of a commercial service airport with over one
23 million passenger boardings per year.

24 “(10) ‘Weapon’ means:

25 “(a) A firearm;

26 “(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar
27 instrument or a knife, other than an ordinary pocketknife with a blade less
28 than four inches in length, the use of which could inflict injury upon a
29 person or property;

30 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-

1 fined in ORS 163.211;

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

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

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

7 “(g) A dangerous or deadly weapon as those terms are defined in ORS
8 161.015.

9 **“SECTION 10.** ORS 166.370 is amended to read:

10 “166.370. (1)(a) Any person who intentionally possesses a loaded or un-
11 loaded firearm or any other instrument used as a dangerous weapon, while
12 in or on a public building, shall upon conviction be guilty of a Class C fel-
13 ony.

14 “(b) Notwithstanding paragraph (a) of this subsection, in a prosecution
15 under this section for the possession of a firearm within the Capitol, within
16 the passenger terminal of a commercial service airport with over one million
17 passenger boardings per year, **or in or on a public building** or on school
18 grounds subject to a policy described in ORS 166.377, if the person proves
19 by a preponderance of the evidence that, at the time of the possession, the
20 person was licensed under ORS 166.291 and 166.292 to carry a concealed
21 handgun, upon conviction the person is guilty of a Class A misdemeanor.

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

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

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

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

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

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

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

13 “(a) A police officer or reserve officer, as those terms are defined in ORS
14 181A.355.

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

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

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

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

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

27 “(g) A person who is licensed under ORS 166.291 and 166.292 to carry a
28 concealed handgun, except as provided in subsection (1)(b) of this section.

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

1 building.

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

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

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

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

9 “(k) A person who possesses a firearm in the passenger terminal of a
10 commercial service airport, if the firearm is unloaded and in a locked hard-
11 sided container for the purposes of transporting the firearm as checked bag-
12 gage in accordance with federal law.

13 “(4)(a) Except as provided in subsection (1)(b) of this section, the ex-
14 ceptions listed in subsection (3)(d) to (k) of this section constitute affirmative
15 defenses to a charge of violating subsection (1)(a) of this section.

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

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

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

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

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

30 “(C) By an employee of the United States Department of Agriculture,

1 acting within the scope of employment, in the course of the lawful taking
2 of wildlife.

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

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

8 “(8) **Nothing in this section prohibits the storage of a firearm in a**
9 **locked vehicle in a parking lot or parking facility that constitutes or**
10 **is part of a public building so long as the firearm is unloaded and**
11 **locked in the trunk of the vehicle or in a locked container and any**
12 **ammunition is not stored in the same trunk or container as the**
13 **firearm.**

14 “[8] (9) As used in this section, ‘dangerous weapon’ means a dangerous
15 weapon as that term is defined in ORS 161.015.

16 “**SECTION 11. ORS 166.377 is added to and made a part of ORS**
17 **166.360 to 166.380.**

18 “**SECTION 12.** ORS 166.377 is amended to read:

19 “166.377. (1) The governing board of a public university listed in ORS
20 352.002, the Oregon Health and Science University Board of Directors, the
21 governing board of a community college or a district school board as defined
22 in ORS 332.002 may adopt a policy providing that the affirmative defense
23 described in ORS 166.370 (3)(g), concerning persons licensed to carry a con-
24 cealed handgun under ORS 166.291 and 166.292, does not apply to the pos-
25 session of firearms on the grounds of the schools controlled by the board.

26 “(2) A board that adopts a policy under **subsection (1) of** this section
27 shall:

28 “(a) Post a clearly visible sign, at all normal points of entry to the school
29 grounds subject to the policy described in subsection (1) of this section, in-
30 dicating that the affirmative defense described in ORS 166.370 (3)(g) does not

1 apply.

2 “(b) Post a notice on the board’s website identifying all school grounds
3 subject to the policy described in subsection (1) of this section.

4 “(3) **The governing body of a city, county, district as defined in ORS**
5 **198.010 or any other entity that falls within the definition of ‘municipal**
6 **corporation’ in ORS 297.405 may adopt a policy, ordinance or regu-**
7 **lation providing that the affirmative defense described in ORS 166.370**
8 **(3)(g), concerning persons licensed to carry a concealed handgun under**
9 **ORS 166.291 and 166.292, does not apply to the possession of firearms**
10 **in and on public buildings owned or controlled by the governing body.**

11 “(4) **A governing body that adopts a policy under subsection (3) of**
12 **this section shall:**

13 “(a) **Post a clearly visible sign, at all normal points of entry to the**
14 **buildings and grounds subject to the policy described in subsection (3)**
15 **of this section, indicating that the affirmative defense described in**
16 **ORS 166.370 (3)(g) does not apply.**

17 “(b) **Post a notice on the governing body’s website identifying all**
18 **buildings and grounds subject to the policy described in subsection (3)**
19 **of this section.**

20 “**SECTION 13.** ORS 166.403 is amended to read:

21 “166.403. (1) Except as provided in subsections (3) and (4) of this section,
22 a person who delivers or otherwise transfers a firearm to a minor shall di-
23 rectly supervise the minor’s use of the firearm.

24 “(2)(a) If a person delivers or otherwise transfers a firearm to a minor and
25 fails to directly supervise the minor’s use of the firearm as required by sub-
26 section (1) of this section, in an action against the person to recover damages
27 for injury to a person or property caused by the minor’s use of the firearm,
28 the failure to supervise constitutes negligence per se, and the presumption
29 of negligence may not be overcome by a showing that the person acted rea-
30 sonably.

1 “(b) Paragraph (a) of this subsection does not apply if the injury results
2 from a lawful act of self-defense or defense of another person.

3 “(3) A person who delivers or otherwise transfers a firearm to a minor
4 may delegate to another person, with the consent of the other person and the
5 minor’s parent or guardian, the duty to supervise the minor’s use of the
6 firearm. If the duty to supervise is delegated under this subsection, sub-
7 section (2) of this section applies to the person assuming the duty to super-
8 vise.

9 “(4)(a) This section does not apply, with respect to a particular firearm
10 [*other than a handgun*] **described in ORS 166.250 (2)(b)**, if:

11 “(A) The firearm is transferred to a minor in accordance with ORS
12 166.470, and, as a result of the transfer, the minor is the owner of the
13 firearm; or

14 “(B) The firearm is temporarily transferred to a minor by the minor’s
15 parent or guardian or by another person with the consent of the minor’s
16 parent or guardian, for the purpose of hunting in accordance with ORS
17 497.360, hunting of a predatory animal as defined in ORS 610.002 or target
18 shooting at a shooting range, shooting gallery or other area designed for the
19 purpose of target shooting.

20 “(b) The exception described in paragraph (a)(B) of this subsection applies
21 only during the time in which the minor is engaged in activities related to
22 hunting or target shooting.

23 “**SECTION 14.** ORS 166.412, as amended by section 6, chapter 1, Oregon
24 Laws 2023, is amended to read:

25 “166.412. (1) As used in this section:

26 “(a) ‘Antique firearm’ has the meaning given that term in 18 U.S.C. 921;

27 “(b) ‘Department’ means the Department of State Police;

28 “(c) ‘Firearm’ has the meaning given that term in ORS 166.210, except
29 that it does not include an antique firearm;

30 “(d) ‘Firearms transaction record’ means the firearms transaction record

1 required by 18 U.S.C. 921 to 929;

2 “(e) ‘Firearms transaction thumbprint form’ means a form provided by the
3 department under subsection (11) of this section;

4 “(f) ‘Gun dealer’ means a person engaged in the business, as defined in
5 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether
6 the person is a retail dealer, pawnbroker or otherwise; [and]

7 “(g) ‘Purchaser’ means a person who buys, leases or otherwise receives a
8 firearm **or unfinished frame or receiver** from a gun dealer[.]; **and**

9 “(h) ‘**Unfinished frame or receiver**’ has the meaning given that term
10 **in ORS 166.210.**

11 “(2) Except as provided in subsection (12) of this section, a gun dealer
12 shall comply with the following before a firearm **or unfinished frame or**
13 **receiver** is delivered to a purchaser:

14 “(a) The purchaser shall present to the gun dealer current identification
15 meeting the requirements of subsection (4) of this section and a valid permit
16 issued under section 4, chapter 1, Oregon Laws 2023.

17 “(b) The gun dealer shall complete the firearms transaction record and
18 obtain the signature of the purchaser on the record.

19 “(c) The gun dealer shall obtain the thumbprints of the purchaser on the
20 firearms transaction thumbprint form and attach the form to the gun dealer’s
21 copy of the firearms transaction record to be filed with that copy.

22 “(d) The gun dealer shall, by telephone or computer, verify that the pur-
23 chaser has a valid permit-to-purchase a firearm issued under section 4,
24 chapter 1, Oregon Laws 2023, and request that the department conduct a
25 criminal history record check on the purchaser and shall provide the fol-
26 lowing information to the department:

27 “(A) The federal firearms license number of the gun dealer;

28 “(B) The business name of the gun dealer;

29 “(C) The place of transfer;

30 “(D) The name of the person making the transfer;

1 “(E) The make, model, caliber and manufacturer’s number of the firearm
2 being transferred **or a description of the unfinished frame or receiver**
3 **being transferred;**

4 “(F) The name and date of birth of the purchaser;

5 “(G) The Social Security number of the purchaser if the purchaser vol-
6 untarily provides this number to the gun dealer; and

7 “(H) The type, issuer and identification number of the identification pre-
8 sented by the purchaser.

9 “(e) The gun dealer shall receive a unique approval number for the
10 transfer from the department and record the approval number on the firearms
11 transaction record and on the firearms transaction thumbprint form.

12 “(f) The gun dealer may destroy the firearms transaction thumbprint form
13 five years after the completion of the firearms transaction thumbprint form.

14 “(3)(a) Upon receipt of a request of the gun dealer for a criminal history
15 record check, the department shall immediately, during the gun dealer’s
16 telephone call or by return call:

17 “(A) Determine, from criminal records and other information available to
18 it, whether the purchaser is disqualified under ORS 166.470 from completing
19 the purchase; and

20 “(B) Notify the gun dealer when a purchaser is disqualified from com-
21 pleting the transfer or provide the gun dealer with a unique approval number
22 indicating that the purchaser is qualified to complete the transfer.

23 “(b) If the department is unable to determine if the purchaser is qualified
24 or disqualified from completing the transfer within 30 minutes, the depart-
25 ment shall notify the gun dealer and provide the gun dealer with an estimate
26 of the time when the department will provide the requested information.

27 “(c) The dealer may not transfer the firearm **or unfinished frame or**
28 **receiver** unless the dealer receives a unique approval number from the de-
29 partment and, within 48 hours of completing the transfer, the dealer shall
30 notify the state that the transfer to the permit holder was completed.

1 “(4)(a) Identification required of the purchaser under subsection (2) of this
2 section shall include one piece of current identification bearing a photograph
3 and the date of birth of the purchaser that:

4 “(A) Is issued under the authority of the United States Government, a
5 state, a political subdivision of a state, a foreign government, a political
6 subdivision of a foreign government, an international governmental organ-
7 ization or an international quasi-governmental organization; and

8 “(B) Is intended to be used for identification of an individual or is com-
9 monly accepted for the purpose of identification of an individual.

10 “(b) If the identification presented by the purchaser under paragraph (a)
11 of this subsection does not include the current address of the purchaser, the
12 purchaser shall present a second piece of current identification that contains
13 the current address of the purchaser. The Superintendent of State Police may
14 specify by rule the type of identification that may be presented under this
15 paragraph.

16 “(c) The department may require that the gun dealer verify the identifi-
17 cation of the purchaser if that identity is in question by sending the
18 thumbprints of the purchaser to the department.

19 “(5) The department shall establish a telephone number that shall be op-
20 erational seven days a week between the hours of 8 a.m. and 10 p.m. for the
21 purpose of responding to inquiries from gun dealers for a criminal history
22 record check under this section.

23 “(6) No public employee, official or agency shall be held criminally or
24 civilly liable for performing the investigations required by this section pro-
25 vided the employee, official or agency acts in good faith and without malice.

26 “(7)(a) The department may retain a record of the information obtained
27 during a request for a criminal history record check for no more than five
28 years, except for the information provided to the dealer under subsection
29 (2)(d) of this section, sufficient to reflect each firearm **or unfinished frame**
30 **or receiver** purchased by a permit holder, which must be attached to the

1 electronic record of the permit stored by the department. The department
2 may develop a system for removal of the information in subsection (2)(d)(E)
3 of this section, upon proof of sale or transfer of the firearm **or unfinished**
4 **frame or receiver** to another permit holder and for recording of the infor-
5 mation to reflect the transfer of ownership to the permit of the new owner.

6 “(b) The record of the information obtained during a request for a crimi-
7 nal history record check by a gun dealer is exempt from disclosure under
8 public records law.

9 “(c) If the department determines that a purchaser is prohibited from
10 possessing a firearm under ORS 166.250 (1)(c), the department shall report
11 the attempted transfer, the purchaser’s name and any other personally iden-
12 tifiable information to all federal, state and local law enforcement agencies
13 and district attorneys that have jurisdiction over the location or locations
14 where the attempted transfer was made and where the purchaser resides.

15 “(d) If the department determines that, based on the judgment of con-
16 viction, the purchaser is prohibited from possessing a firearm as a condition
17 of probation or that the purchaser is currently on post-prison supervision or
18 parole, the department shall report the attempted transfer to the purchaser’s
19 supervising officer and the district attorney of the county in which the con-
20 viction occurred.

21 “(e) If the department determines that the purchaser is prohibited from
22 possessing a firearm due to a court order described in ORS 166.255 (1)(a), the
23 department shall report the attempted transfer to the court that issued the
24 order.

25 “(f) If the department determines that the purchaser is under the jurisdic-
26 tion of the Psychiatric Security Review Board, the department shall re-
27 port the attempted transfer to the board.

28 “(g) Reports required by paragraphs (c) to (f) of this subsection shall be
29 made within 24 hours after the determination is made, unless a report would
30 compromise an ongoing investigation, in which case the report may be de-

1 layed as long as necessary to avoid compromising the investigation.

2 “(h) On or before January 31 of each year, a law enforcement agency or
3 a prosecuting attorney’s office that received a report pursuant to paragraph
4 (c) of this subsection during the previous calendar year shall inform the de-
5 partment of any action that was taken concerning the report and the out-
6 come of the action.

7 “(i) The department shall annually publish a written report, based on any
8 information received under paragraph (h) of this subsection, detailing the
9 following information for the previous year:

10 “(A) The number of purchasers whom the department determined were
11 prohibited from possessing a firearm under ORS 166.250 (1)(c), arranged by
12 category of prohibition;

13 “(B) The number of reports made pursuant to paragraph (c) of this sub-
14 section;

15 “(C) The number of investigations arising from the reports made pursuant
16 to paragraph (c) of this subsection, the number of investigations concluded
17 and the number of investigations referred for prosecution, all arranged by
18 category of prohibition; and

19 “(D) The number of criminal charges arising from the reports made pur-
20 suant to paragraph (c) of this subsection and the disposition of the charges,
21 both arranged by category of prohibition.

22 “(8) A law enforcement agency may inspect the records of a gun dealer
23 relating to transfers of firearms **and unfinished frames or receivers** with
24 the consent of a gun dealer in the course of a reasonable inquiry during a
25 criminal investigation or under the authority of a properly authorized
26 subpoena or search warrant.

27 “(9) When a firearm is delivered, it shall be unloaded.

28 “(10) In accordance with applicable provisions of ORS chapter 183, the
29 Superintendent of State Police may adopt rules necessary for:

30 “(a) The design of the firearms transaction thumbprint form;

1 “(b) The maintenance of a procedure to correct errors in the criminal re-
2 cords of the department;

3 “(c) The provision of a security system to identify gun dealers that re-
4 quest a criminal history record check under subsection (2) of this section;
5 and

6 “(d) The creation and maintenance of a database of the business hours
7 of gun dealers.

8 “(11) The department shall publish the firearms transaction thumbprint
9 form and shall furnish the form to gun dealers on application at cost.

10 “(12) This section does not apply to transactions between persons licensed
11 as dealers under 18 U.S.C. 923.

12 “(13)(a) If requested by a transferor who is not a gun dealer, a gun dealer
13 may request a criminal background check pursuant to ORS 166.435 or 166.438
14 and may charge a reasonable fee for providing the service.

15 “(b) A gun dealer that requests a criminal background check under this
16 subsection is immune from civil liability for any use of the firearm **or un-**
17 **finished frame or receiver** by the recipient or transferee, provided that the
18 gun dealer requests the criminal background check as described in this sec-
19 tion and also provided that the dealer verifies that the recipient has a valid
20 permit-to-purchase the firearm **or unfinished frame or receiver** and the
21 dealer has received a unique approval number from the department indicat-
22 ing successful completion of the background check.

23 “(14) Knowingly selling or delivering a firearm **or unfinished frame or**
24 **receiver** to a purchaser or transferee who does not have a valid permit-to-
25 purchase a firearm in violation of subsection (2)(d) of this section, or prior
26 to receiving a unique approval number from the department based on the
27 criminal background check in violation of subsection (3)(c) of this section is
28 a Class A misdemeanor.

29 **“SECTION 15.** ORS 166.470 is amended to read:

30 “166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274

1 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law
2 of another jurisdiction, a person may not intentionally sell, deliver or oth-
3 erwise transfer any firearm when the transferor knows or reasonably should
4 know that the recipient:

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

6 “(b) Has been convicted of a felony;

7 “(c) Has any outstanding felony warrants for arrest;

8 “(d) Is free on any form of pretrial release for a felony;

9 “(e) Was committed to the Oregon Health Authority under ORS 426.130;

10 “(f) After January 1, 1990, was found to be a person with mental illness
11 and subject to an order under ORS 426.130 that the person be prohibited from
12 purchasing or possessing a firearm as a result of that mental illness;

13 “(g) Has been convicted of a misdemeanor involving violence or found
14 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-
15 olence within the previous four years. As used in this paragraph,
16 ‘misdemeanor involving violence’ means a misdemeanor described in ORS
17 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b);

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

20 “(i) Has been found guilty except for insanity under ORS 161.295 of a
21 felony.

22 “(2) A person may not sell, deliver or otherwise transfer any firearm that
23 the person knows or reasonably should know is stolen.

24 “(3) Subsection (1)(a) of this section does not prohibit:

25 “[*(a) The parent or guardian, or another person with the consent of the*
26 *parent or guardian, of a minor from transferring to the minor a firearm, other*
27 *than a handgun; or]*

28 “[*(b) The temporary transfer of any firearm to a minor for hunting, target*
29 *practice or any other lawful purpose.]*

30 “**(a) The transfer of a firearm to a person under 21 years of age who**

1 **is a police officer, certified reserve officer, reserve officer or active or**
2 **reserve member of the Army, Navy, Air Force, Coast Guard or Marine**
3 **Corps of the United States or of the National Guard;**

4 **“(b) The transfer of a firearm described in ORS 166.250 (2)(b) to a**
5 **person who is at least 18 years of age; or**

6 **“(c) The parent or guardian of a minor, or another person with the**
7 **consent of the parent or guardian, from transferring a firearm de-**
8 **scribed in ORS 166.250 (2)(b) to the minor for the purposes of hunting**
9 **or target practice.**

10 **“(4) Violation of this section is a Class A misdemeanor.**

11 **“(5) As used in this section, ‘certified reserve officer,’ ‘police**
12 **officer’ and ‘reserve officer’ have the meanings given those terms in**
13 **ORS 181A.355.**

14 **“SECTION 16.** Section 5 of this 2023 Act is amended to read:

15 **“Sec. 5.** (1)(a) A person may not knowingly import into this state, offer
16 for sale, sell or transfer an unfinished frame or receiver unless:

17 **“(A) The person is licensed as a firearm dealer under 18 U.S.C. 923;**

18 **“(B) The name of the manufacturer and an individual serial number is**
19 **conspicuously placed on the unfinished frame or receiver in accordance with**
20 **the procedures for the serialization of a firearm in 18 U.S.C. 923(i) and all**
21 **regulations under the authority of 18 U.S.C. 923(i), including but not limited**
22 **to 27 C.F.R. 478.92; and**

23 **“(C) The person maintains records relating to the unfinished frame or**
24 **receiver in accordance with the procedures for record keeping related to**
25 **firearms in 18 U.S.C. 923(g) and all regulations issued under the authority**
26 **of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to 478.134.**

27 **“(b)(A) A violation of paragraph (a) of this subsection is a Class B vio-**
28 **lation.**

29 **“(B) Notwithstanding subparagraph (A) of this paragraph, a violation of**
30 **paragraph (a) of this subsection is a Class A misdemeanor if, at the time of**

1 the offense, the person has a prior conviction under this section or section
2 3 or 4 of this 2023 Act.

3 “(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a vi-
4 olation of paragraph (a) of this subsection constitutes a Class B felony if,
5 at the time of the offense, the person has two or more prior convictions un-
6 der this section or section 3 or 4 of this 2023 Act.

7 “(2)(a) A person may not knowingly possess an unfinished frame or re-
8 ceiver that is not serialized as provided in subsection (1)(a)(B) of this section,
9 unless:

10 “(A) The person is a federally licensed gun manufacturer; and

11 “(B) The unfinished frame or receiver is an unfinished part within a
12 manufacturing process that includes serialization.

13 “[*(b) A violation of paragraph (a) of this subsection occurring before Sep-*
14 *tember 1, 2024, does not constitute an offense.*]

15 “**(b)(A) A violation of paragraph (a) of this subsection is a Class B**
16 **violation.**

17 “**(B) Notwithstanding subparagraph (A) of this paragraph, a vio-**
18 **lation of paragraph (a) of this subsection is a Class A misdemeanor if,**
19 **at the time of the offense, the person has a prior conviction under this**
20 **section or section 3 or 4 of this 2023 Act.**

21 “**(C) Notwithstanding subparagraphs (A) and (B) of this paragraph,**
22 **a violation of paragraph (a) of this subsection is a Class C felony if,**
23 **at the time of the offense, the person has two or more prior con-**
24 **vications under this section or section 3 or 4 of this 2023 Act.**

25 “**(3) A person convicted of any offense under this section shall for-**
26 **feit the unfinished frame or receiver.**

27 “**(4) As used in this section, ‘prior conviction’ includes a conviction**
28 **for a violation offense.**

29 “**SECTION 17. The amendments to section 5 of this 2023 Act by**
30 **section 16 of this 2023 Act become operative on September 1, 2024.**

