

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO  
SENATE BILL 527**

1 On page 1 of the printed bill, line 2, after “accommodation;” delete the  
2 rest of the line and delete line 3 and insert “amending ORS 166.250 and  
3 166.470.”.

4 Delete lines 5 through 29 and delete page 2 and insert:

5 **“SECTION 1.** ORS 166.250 is amended to read:

6 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,  
7 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-  
8 mits the crime of unlawful possession of a firearm if the person knowingly:

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

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

12 “(c) Possesses a firearm and:

13 “(A) Is under 18 years of age;

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

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

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

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

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

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

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

8 “(H) The possession of the firearm by the person is prohibited under ORS  
9 166.255.

10 “(2) This section does not prohibit:

11 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of  
12 this section, from possessing a firearm:

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

16 “**(B) That is a rifle, so long as the rifle is used primarily for hunting**  
17 **purposes and the minor is at least 16 years of age; or**

18 “[*B*] (C) Temporarily for hunting, target practice or any other lawful  
19 purpose; or

20 “(b) Any citizen of the United States over the age of 18 years who resides  
21 in or is temporarily sojourning within this state, and who is not within the  
22 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,  
23 from owning, possessing or keeping within the person’s place of residence  
24 or place of business any handgun, and no permit or license to purchase, own,  
25 possess or keep any such firearm at the person’s place of residence or place  
26 of business is required of any such citizen. As used in this subsection, ‘resi-  
27 dence’ includes a recreational vessel or recreational vehicle while used, for  
28 whatever period of time, as residential quarters.

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

1 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a  
2 handgun is readily accessible within the meaning of this section if the  
3 handgun is within the passenger compartment of the vehicle.

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

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

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

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

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

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

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

19 **“SECTION 2.** ORS 166.470 is amended to read:

20 “166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274  
21 or 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law  
22 of another jurisdiction, a person may not intentionally sell, deliver or oth-  
23 erwise transfer any firearm when the transferor knows or reasonably should  
24 know that the recipient:

25 “(a) Is under 18 years of age;

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

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

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

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

30 “(f) After January 1, 1990, was found to be a person with mental illness

1 and subject to an order under ORS 426.130 that the person be prohibited from  
2 purchasing or possessing a firearm as a result of that mental illness;

3 “(g) Has been convicted of a misdemeanor involving violence or found  
4 guilty except for insanity under ORS 161.295 of a misdemeanor involving vi-  
5 olence within the previous four years. As used in this paragraph,  
6 ‘misdemeanor involving violence’ means a misdemeanor described in ORS  
7 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b);

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

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

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

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

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

18 “(b) **The transfer of a rifle to a minor, so long as the rifle is used**  
19 **primarily for hunting purposes and the minor is at least 16 years of**  
20 **age; or**

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

23 “(4) Violation of this section is a Class A misdemeanor.”.

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