

SB 243 -1, -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/27, 4/8

WHAT THE MEASURE DOES:

The measure includes placeholder language that requires the Department of State Police to study the efficiency of firearm transfer criminal background checks.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

Replaces the measure.

Section 1:

-1 Prohibits a gun dealer from transferring a firearm or unfinished frame or receiver until 72 hours have elapsed from the time the gun dealer requested a criminal background check and the gun dealer has received a unique approval number from the Oregon State Police (OSP) indicating the purchaser is qualified to complete the transfer.

Establishes immunity from civil liability to a gun dealer for any use of a firearm or unfinished frame or receiver by a purchaser if a gun dealer has the unique approval number and allows the required time period to elapse before transfer of the firearm.

Section 2:

Creates a Class B felony crime of unlawful transport, manufacture or transfer of a rapid fire activator if a person knowingly transports a rapid fire activator into this state or manufactures, sells, offers to sell or transfer a rapid fire activator.

Creates a Class A misdemeanor crime of unlawful possession of a rapid fire activator if a person knowingly possesses, purchases, or receives a rapid fire activator. Specifies exceptions to both crimes and defines relevant term.

Sections 3-6:

Creates the Russell Paul Evans Act.

Prohibits a person under 21 years of age from possessing firearms with exceptions for persons who are at least 18 as specified by measure. Prohibits possession of a firearm for persons under 18 except when temporarily possessing certain firearms if the firearm was transferred to the minor by the minor's parent or guardian.

Exempts certain military and police officers from restrictions established by the measure.

Sections 7-10:

Modifies the definition of public building to include the grounds adjacent to the building .

Authorizes the governing bodies of certain public entities that own or control public buildings to adopt a policy, ordinance or regulation limiting the affirmative defense for concealed handgun licensees for the crime of possessing a firearm on grounds adjacent to public buildings owned or controlled by the governing body. Requires a governing body to post a clearly visible sign at all normal points of entry to the buildings and grounds subject to the restriction indicating that the affirmative defense does not apply. Provides that in a prosecution for possessing a firearm on grounds subject to such a policy, the concealed handgun licensee affirmative defense is not a complete defense, but results in a Class A misdemeanor conviction punishable by 364 days' imprisonment, \$6,250 fine, or both.

Takes effect on the 91st day following adjournment sine die.

Replaces the measure.

Removes language from the -1 amendment authorizing a district as defined in ORS 198.010 or any other entity that falls within the definition of 'municipal corporation' in ORS 297.405 to adopt a policy limiting the applicability of affirmative defense described in ORS 166.370 in certain areas owned by the entity.

Section 1:

Establishes the Oregon Suicide Prevention and Community Safety Firearms Act.

Section 2:

-4 Prohibits a gun dealer from transferring a firearm or unfinished frame or receiver until 72 hours have elapsed from the time the gun dealer requested a criminal background check and the gun dealer has received a unique approval number from the Oregon State Police (OSP) indicating the purchaser is qualified to complete the transfer.

Establishes immunity from civil liability to a gun dealer for any use of a firearm or unfinished frame or receiver by a purchaser if a gun dealer has the unique approval number and allows the required time period to elapse before transfer of the firearm.

Section 3:

Creates a Class B felony crime of unlawful transport, manufacture or transfer of a rapid fire activator if a person knowingly transports a rapid fire activator into this state or manufactures, sells, offers to sell or transfer a rapid fire activator.

Creates a Class A misdemeanor crime of unlawful possession of a rapid fire activator if a person knowingly possesses, purchases, or receives a rapid fire activator. Specifies exceptions to both crimes and defines relevant term.

Sections 4-7:

Removes language from the -1 amendment authorizing a district as defined in ORS 198.010 or any other entity that falls within the definition of 'municipal corporation' in ORS 297.405 to adopt a policy limiting the applicability of affirmative defense described in ORS 166.370 in certain areas owned by the entity.

Modifies the definition of public building to include the grounds adjacent to the building .

Authorizes the governing bodies of certain public entities that own or control public buildings to adopt a policy, ordinance or regulation limiting the affirmative defense for concealed handgun licensees for the crime of possessing a firearm on grounds adjacent to public buildings owned or controlled by the governing body.

Authorizes the governing body of a metropolitan service district to adopt a policy providing that the affirmative defense concerning persons licensed to carry a concealed handgun does not apply within buildings constituting a metropolitan zoo facility and grounds adjacent to those buildings.

Requires a governing body to post a clearly visible sign at all normal points of entry to the buildings and grounds subject to the restriction indicating that the affirmative defense does not apply. Provides that in a prosecution for possessing a firearm on grounds subject to such a policy, the concealed handgun licensee affirmative defense is not a complete defense, but results in a Class A misdemeanor conviction punishable by 364 days' imprisonment, \$6,250 fine, or both.

Takes effect on the 91st day following adjournment sine die.

BACKGROUND:

Under current law, a gun dealer may transfer a firearm to a transferee if the dealer receives a unique approval number from the Oregon State Police (OSP) and within 48 hours of completing the transfer, the dealer notifies OSP that the transfer has occurred.

Under current law, those who are between the ages of 18-20 are permitted to purchase and possess shot guns and rifles. Persons who are 21 years or older are permitted to purchase or possess all other firearms, including shot guns and rifles. Parents or guardians of minors, or another person with the parent or guardian's consent, may transfer a firearm, other than a handgun, to a minor or temporarily transfer any firearm to a minor for hunting, target practice, or any other lawful purpose.

In 2021 the legislature enacted Senate Bill 554 A which expanded the authority of a city, county, metropolitan service district, or port operating a commercial airport to prohibit the possession of firearms within public buildings to individuals who were exempt from the prohibition due to holding a concealed handgun license. SB 554 A's definition of "public buildings" did not include the grounds adjacent to each such building.