

SB 243 A -A7, -A9 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 5/12, 5/14

WHAT THE MEASURE DOES:

The measure is an omnibus bill that establishes the Oregon Suicide Prevention and Community Safety Firearms Act. It amends statutes relating to the transfer and possession of firearms and includes restrictions on the magazine capacity of firearms and creates new criminal offenses for violations. The measure also grants certain governing entities authority to restrict possession of firearms in specific locations and sets waiting requirements on firearm purchases and transfers. The measure takes effect on the 91st day following adjournment sine die.

Section 1:

Titles the provisions of the measure amending and creating statutes "the Oregon Suicide Prevention and Community Safety Firearms Act."

Section 2:

- 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, or 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 terms.

Sections 4-7:

- 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 and to post a notice on the governing body's website identifying all buildings and grounds subject to the restriction. 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, a \$6,250 fine, or both.

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

ISSUES DISCUSSED:

This summary has not been adopted or officially endorsed by action of the committee.

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- Definition of terms in measure including rapid fire activator and official meetings
- Language removed by amendments
- Unfunded mandates
- Predictability regarding where firearms are restricted or prohibited
- Local control over policies regarding possession of firearms in certain buildings
- Enforcement of prohibitions created by measure and options for disposing of already owned rapid fire activators
- Suicide prevention and mandatory holds

EFFECT OF AMENDMENT:

-A7 The amendment replaces “Oregon Suicide Prevention and Community Safety Firearms Act,” with “Community Safety Firearms Act.” It removes provisions prohibiting 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. The amendment also removes language that 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.

The amendment also removes “adjacent grounds” of a building from the areas that may be subject to a policy described in ORS 166.377 prohibiting the possession of firearms in certain locations.

Finally, the amendment provides that the governing body of a city, a county or a district as defined in ORS 198.010 may adopt a policy, ordinance or regulation providing that the affirmative defense concerning persons licensed to carry a concealed handgun does not apply to the possession of firearms within a building owned or controlled by the governing body if the building is used by the governing body for official meetings.

-A9 The amendment replaces “Oregon Suicide Prevention and Community Safety Firearms Act,” with “Community Safety Firearms Act.” It removes provisions prohibiting 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. The amendment also removes language that 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.

The amendment also removes “adjacent grounds” of a building from the areas that may be subject to a policy described in ORS 166.377 prohibiting the possession of firearms in certain locations. It also removes ‘grounds adjacent to each such building’ from the definition of public buildings for purposes of the measure.

Finally, the amendment provides that the governing body of a city, a county or a district as defined in ORS 198.010 may adopt a policy, ordinance or regulation providing that the affirmative defense concerning persons licensed to carry a concealed handgun does not apply to the possession of firearms within a building owned or controlled by the governing body if the building is used by the governing body for official meetings.

BACKGROUND:

According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2023, 27,300 people in the United States died by suicide with a firearm. According to a study conducted by the [New Jersey Gun Violence Research Center](#) at Rutgers University, approximately 90 percent of suicide attempts involving a firearm result in death, compared to less than 5 percent of attempts by all other methods combined.

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

Enacted in 2021, Senate Bill 554, 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's definition of "public buildings" did not include the grounds adjacent to each such building.