

## Minority Report

### B-Engrossed

# Senate Bill 243

Ordered by the Senate May 27  
Including Senate Amendments dated April 23 and Senate Minority  
Report Amendments dated May 27

Sponsored by nonconcurring members of the Senate Committee on Rules: Senators BONHAM, THATCHER

### 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. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act repeals the changes in gun laws from SB 554 (2021). The Act also tells the court to enter an order banning a person charged with some drug possession crimes from possessing a gun. (Flesch Readability Score: 65.7).**

*[Digest: The Act requires gun dealers to wait 72 hours before giving a gun or certain unfinished gun parts to a buyer. The Act also creates two new rapid fire activator crimes and changes the public areas where a person with a CHL can possess a gun. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 70.2).]*

*[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 the background check approval number from the Department of State Police.]*

*[Creates the crime of unlawful transport, manufacture or transfer of a rapid fire activator. Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both. Creates the crime of unlawful possession of a rapid fire activator. Punishes by a maximum of 364 days' imprisonment, \$6,250 fine, or both. Specifies exceptions for both crimes.]*

*[Authorizes the governing body of a city or county that owns or controls a public building to limit the affirmative defense for concealed handgun licensees for possessing a firearm in the public building. Authorizes the governing body of a metropolitan service district to limit the affirmative defense for concealed handgun licensees for possessing a firearm in a metropolitan zoo facility and adjacent grounds. Provides that in a prosecution for possessing a firearm in a building or on grounds subject to such limit, 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.]*

**Repeals the requirement to secure firearms in specified circumstances. Repeals the requirement to secure firearms prior to transfer. Repeals the requirement to report the loss or theft of a firearm within a certain time after the loss or theft. Repeals the requirement to directly supervise the use of a firearm by a minor after transfer of the firearm to the minor.**

**Repeals provisions limiting the possession of firearms by concealed handgun licensees in the Capitol, certain airport buildings and certain school grounds. Repeals the affirmative defense to a charge of possessing a weapon in a public building for a person possessing a firearm in an airport in accordance with federal law.**

**Reduces fees payable to the county sheriff for the issuance and renewal of a concealed handgun license.**

**Directs the court to enter an order prohibiting a person charged with misdemeanor unlawful possession of a controlled substance from possessing a firearm at the first appearance on the charge. Specifies a process for surrendering firearms and the return of firearms. Specifies the circumstances when the court must terminate the order. Provides that possession of a firearm by the prohibited person is punishable by a maximum of 364 days' imprisonment, \$6,250 fine, or both.**

**Requires that deflection programs require participants to transfer all firearms to a law enforcement agency, a gun dealer or a third party until the program is completed.**

### A BILL FOR AN ACT

1

2 Relating to firearms; creating new provisions; amending ORS 166.250, 166.262, 166.291, 166.360 and

3 166.370 and sections 36 and 76, chapter 70, Oregon Laws 2024; and repealing ORS 166.377,

**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.

166.390, 166.392, 166.395, 166.397, 166.400, 166.403 and 166.405.

Whereas the enactment of proposed legislation prohibiting the possession, manufacture, transport and transfer of certain firearm accessories, and limiting where concealed handgun licensees may possess firearms, would erode Constitutional protections; and

Whereas a law prohibiting the possession, manufacture, transport and transfer of certain firearm accessories, and limiting where concealed handgun licensees may possess firearms, will inevitably be broken by criminals while simultaneously infringing on law abiding citizens' ability to protect themselves and their loved ones; and

Whereas the ruling party continues to push incremental bans that disarm citizens while criminals ignore laws; and

Whereas concealed handgun license holders are some of the most lawful firearm owners in our communities; and

Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer of certain firearm accessories, and limiting where concealed handgun licensees may possess firearms, targets responsible gun owners and concealed handgun license holders, who undergo background checks and training, rather than addressing the criminal misuse of firearms; and

Whereas the ruling party passed a concealed handgun license ban at the Capitol and then upgraded security officers and metal detectors, but local governments will most likely not provide the same enhanced security measures; and

Whereas the ruling party is perfectly fine disarming law-abiding concealed handgun license holders but offers zero safety mechanisms for local governments; and

Whereas the right to keep and bear arms is enshrined in the Constitution to protect individual liberty and self-defense; and

Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer of certain firearm accessories, and limiting where concealed handgun licensees may possess firearms, infringes on law-abiding citizens' rights without clear evidence that it will prevent crime; and

Whereas banning concealed handgun license holders from carrying in public spaces disarms those best equipped to respond to threats, leaving citizens defenseless; and

Whereas enabling local bans on concealed handgun license holders increases the risk of mass casualty events in public spaces; and

Whereas focusing on bump stocks distracts from addressing root causes of gun violence like mental health or illegal gun trafficking; and

Whereas criminals who are intent on harm will not comply with firearm accessory bans; and

Whereas proposed legislation prohibiting the possession, manufacture, transport and transfer of certain firearm accessories burdens law-abiding hobbyists and sport shooters who use such devices responsibly; now, therefore,

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

## **REPEAL OF SENATE BILL 554 (2021)**

**SECTION 1. ORS 166.377, 166.390, 166.392, 166.395, 166.397, 166.400, 166.403 and 166.405 are repealed.**

**SECTION 2.** ORS 166.360 is amended to read:

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

(1) "Capitol building" means the Capitol, the State Office Building, the State Library Building,

the Labor and Industries Building, the State Transportation Building, the Agriculture Building or the Public Service Building and includes any new buildings which may be constructed on the same grounds as an addition to the group of buildings listed in this subsection.

(2) "Court facility" means a courthouse or that portion of any other building occupied by a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by personnel related to the operations of those courts, or in which activities related to the operations of those courts take place.

(3) "Judge" means a judge of a circuit court, the Court of Appeals, the Supreme Court, the Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

(4) "Judicial district" means a circuit court district established under ORS 3.012 or a justice of the peace district established under ORS 51.020.

(5) "Juvenile court" has the meaning given that term in ORS 419A.004.

(6) "Loaded firearm" means:

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

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

(7) "Local court facility" means the portion of a building in which a justice court, a municipal court, a probate court or a juvenile court conducts business, during the hours in which the court operates.

(8) "Probate court" has the meaning given that term in ORS 111.005.

(9) "Public building" means[:]

[(a)] a hospital, a capitol building, a public or private school, as defined in ORS 339.315, a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or [by a city, a county, a district as defined in ORS 198.010 or any other entity that falls within the definition of "municipal corporation"] **a municipal corporation, as defined** in ORS 297.405, other than a court facility[; or]

[(b)] *The passenger terminal of a commercial service airport with over one million passenger boardings per year*].

(10) "Weapon" means:

(a) A firearm;

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

(c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

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

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

(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property; or

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

**SECTION 3.** ORS 166.370 is amended to read:

166.370. [(1)(a)] (1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction

1 be guilty of a Class C felony.

2 *[(b) Notwithstanding paragraph (a) of this subsection, in a prosecution under this section for the*  
 3 *possession of a firearm within the Capitol, within the passenger terminal of a commercial service air-*  
 4 *port with over one million passenger boardings per year or on school grounds subject to a policy de-*  
 5 *scribed in ORS 166.377, if the person proves by a preponderance of the evidence that, at the time of the*  
 6 *possession, the person was licensed under ORS 166.291 and 166.292 to carry a concealed handgun,*  
 7 *upon conviction the person is guilty of a Class A misdemeanor.]*

8 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-  
 9 tionally possesses:

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

13 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon  
 14 to a law enforcement officer or to immediately remove it from the court facility. A person who fails  
 15 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

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

19 (b) The presiding judge of a judicial district or a municipal court may enter an order permitting  
 20 the possession of specified weapons in a court facility.

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

24 (3) Subsection [(1)(a)] (1) of this section does not apply to:

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

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

28 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-  
 29 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer  
 30 or corrections officer is acting within the scope of employment.

31 (d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to  
 32 assist in making an arrest or preserving the peace, while the summoned person is engaged in as-  
 33 sisting the officer.

34 (e) An honorably retired law enforcement officer.

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

37 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun[, ex-  
 38 cept as provided in subsection (1)(b) of this section].

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

41 (i) An employee of the United States Department of Agriculture, acting within the scope of em-  
 42 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

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

44 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

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

1       [(k) A person who possesses a firearm in the passenger terminal of a commercial service airport,  
2       if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the  
3       firearm as checked baggage in accordance with federal law.]

4       (4)(a) [Except as provided in subsection (1)(b) of this section,] The exceptions listed in subsection  
5       (3)(d) to [(k)] (j) of this section constitute affirmative defenses to a charge of violating subsection  
6       [(1)(a)] (1) of this section.

7       (b) A person may not use the affirmative defense described in subsection (3)(e) of this section  
8       if the person has been convicted of an offense that would make the person ineligible to obtain a  
9       concealed handgun license under ORS 166.291 and 166.292.

10       (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges  
11       or attempts to discharge a firearm at a place that the person knows is a school shall upon con-  
12       viction be guilty of a Class C felony.

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

14       (A) As part of a program approved by a school in the school by an individual who is partic-  
15       ipating in the program;

16       (B) By a law enforcement officer acting in the officer's official capacity; or

17       (C) By an employee of the United States Department of Agriculture, acting within the scope of  
18       employment, in the course of the lawful taking of wildlife.

19       (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
20       166.279.

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

24       (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-  
25       fined in ORS 161.015.

26       **SECTION 4.** ORS 166.262 is amended to read:

27       166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or  
28       (b) or 166.370 [(1)(a)] (1) if the person has in the person's immediate possession:

29       (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292[, *unless the person*  
30       *possesses a firearm within the Capitol, within the passenger terminal of a commercial service airport*  
31       *with over one million passenger boardings per year or on school grounds subject to a policy described*  
32       *in ORS 166.377];*

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

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

37       **SECTION 5.** ORS 166.291 is amended to read:

38       166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
39       handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
40       out in this section, shall issue the person a concealed handgun license if the person:

41       (a)(A) Is a citizen of the United States; or

42       (B) Is a legal resident noncitizen who can document continuous residency in the county for at  
43       least six months and has declared in writing to the United States Citizenship and Immigration Ser-  
44       vices the intent to acquire citizenship status and can present proof of the written declaration to the  
45       sheriff at the time of application for the license;

1 (b) Is at least 21 years of age;

2 (c) Is a resident of the county;

3 (d) Has no outstanding warrants for arrest;

4 (e) Is not free on any form of pretrial release;

5 (f) Demonstrates competence with a handgun by any one of the following:

6 (A) Completion of any hunter education or hunter safety course approved by the State Department of Fish and Wildlife or a similar agency of another state if handgun safety was a component of the course;

9 (B) Completion of any National Rifle Association firearms safety or training course if handgun safety was a component of the course;

11 (C) Completion of any firearms safety or training course or class available to the general public offered by law enforcement, community college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or a law enforcement agency if handgun safety was a component of the course;

15 (D) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, reserve law enforcement officers or any other law enforcement officers if handgun safety was a component of the course;

18 (E) Presents evidence of equivalent experience with a handgun through participation in organized shooting competition or military service;

20 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been revoked; or

22 (G) Completion of any firearms training or safety course or class conducted by a firearms instructor certified by a law enforcement agency or the National Rifle Association if handgun safety was a component of the course;

25 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;

27 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application, including a misdemeanor conviction for the possession of marijuana as described in paragraph (L) of this subsection;

30 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

31 (j) Has not been found to be a person with mental illness and is not 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;

34 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, the person was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470;

38 (L) Has not been convicted of an offense involving controlled substances or participated in a court-supervised drug diversion program, except this disability does not operate to exclude a person if:

41 (A) The person can demonstrate that the person has been convicted only once of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not completed a drug diversion program for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense; or

45 (B) The person can demonstrate that the person has only once completed a drug diversion pro-

gram for a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense, and has not been convicted of a marijuana possession offense that constituted a misdemeanor or violation under the law of the jurisdiction of the offense;

(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738;

(n) Has not received a dishonorable discharge from the Armed Forces of the United States;

(o) Is not required to register as a sex offender in any state; and

(p) Is not presently subject to an order under ORS 426.133 prohibiting the person from purchasing or possessing a firearm.

(2) A person who has been granted relief under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

(3) Before the sheriff may issue a license:

(a) The application must state the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color and height and weight. The application must also list the applicant's residence address or addresses for the previous three years. The application must contain a statement by the applicant that the applicant meets the requirements of subsection (1) of this section. The application may include the Social Security number of the applicant if the applicant voluntarily provides this number. The application must be signed by the applicant.

(b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal records check is necessary, the sheriff shall request the Department of State Police to conduct the check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. The Department of State Police shall report the results of the fingerprint-based criminal records check to the sheriff. The Department of State Police shall also furnish the sheriff with any information about the applicant that the Department of State Police may have in its possession including, but not limited to, manual or computerized criminal offender information.

(4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon request. The forms shall be uniform throughout this state in substantially the following form:

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APPLICATION FOR LICENSE TO CARRY  
CONCEALED HANDGUN

Date\_\_\_\_\_

I hereby declare as follows:

I am a citizen of the United States or a legal resident noncitizen who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined

in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found to be a person with mental illness and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. I am not under a court order to participate in assisted outpatient treatment that includes an order prohibiting me from purchasing or possessing a firearm. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name \_\_\_\_\_

Age \_\_\_\_\_ Date of birth \_\_\_\_\_

Place of birth \_\_\_\_\_

Social Security number \_\_\_\_\_

(Disclosure of your Social Security account number is voluntary. Solicitation of the number is authorized under ORS 166.291. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. The type of identification and the number on the identification are to be filled in by the sheriff.):

1. \_\_\_\_\_

2. \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_

Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

Current address \_\_\_\_\_

(List residence addresses for the  
past three years on the back.)

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

I have read the entire text of this application, and the statements therein are correct and true.  
(Making false statements on this application is a misdemeanor.)

\_\_\_\_\_  
(Signature of Applicant)



Character references.

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Name:	Address
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Name:	Address
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Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

License No. \_\_\_\_\_

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(5)(a) Fees for concealed handgun licenses are:

(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

(B) [\$100] **\$50** to the sheriff for the *[initial]* issuance **or renewal** of a concealed handgun license.

*[(C) \$75 to the sheriff for the renewal of a concealed handgun license.]*

*[(D)] (C)* \$15 to the sheriff for the duplication of a license because of loss or change of address.

(b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.

(6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.

(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.

(8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.

(9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:

(a) Has a current Oregon driver license issued to the person showing a residence address in the county;

(b) Is registered to vote in the county and has a voter notification card issued to the person under ORS 247.181 showing a residence address in the county;

(c) Has documentation showing that the person currently leases or owns real property in the county; or

(d) Has documentation showing that the person filed an Oregon tax return for the most recent tax year showing a residence address in the county.

(10) As used in this section, "drug diversion program" means a program in which a defendant charged with a marijuana possession offense completes a program under court supervision and in which the marijuana possession offense is dismissed upon successful completion of the diversion program.

1           **POSSESSION OF FIREARMS BY PERSONS CHARGED WITH DRUG POSSESSION**

2  
3           **SECTION 6.** (1) It is unlawful for a person to knowingly possess a firearm if the person  
4 is the subject of a court order prohibiting the person from possessing firearms under sub-  
5 section (2)(a) of this section.

6           (2)(a) At a first appearance on a disqualifying drug offense, the court shall enter an order  
7 prohibiting the person from possessing firearms as follows:

8           (A) Except as provided in subparagraph (B) of this paragraph, the court shall enter a  
9 written order prohibiting the person from possessing firearms until the person demonstrates,  
10 and the court finds by a preponderance of the evidence, that the person has completed a  
11 substance use disorder assessment or screening, and any course of treatment recommended  
12 by the assessment or screening.

13           (B) For a disqualifying drug offense for which prosecution is commenced after a court  
14 order described in subparagraph (A) of this paragraph has been terminated under subsection  
15 (6)(a)(A) of this section, the court shall enter a written order prohibiting the person from  
16 possessing firearms until the person is able to demonstrate and the court finds, by a pre-  
17 ponderance of the evidence, that the person has abstained from using controlled substances  
18 for a period of one year.

19           (b) Upon entering an order described in paragraph (a) of this subsection, the court shall  
20 additionally order in writing that the person:

21           (A) Transfer all firearms in the person's possession in accordance with subsection (3) of  
22 this section; and

23           (B) File a declaration as described in subsection (4) of this section.

24           (c) The court shall ensure that the court order described in paragraph (a) of this sub-  
25 section is entered into the Law Enforcement Data System and any other state and national  
26 databases necessary to ensure the enforcement of the court's order.

27           (3)(a) Within 24 hours of becoming subject to the court orders described in subsection (2)  
28 of this section, the person shall transfer all firearms in the person's possession to a local law  
29 enforcement agency, to a gun dealer as defined in ORS 166.412 or to a third party who does  
30 not reside with the person, and shall obtain a proof of transfer under paragraph (b) of this  
31 subsection. A transfer to a third party under this subsection must be in accordance with  
32 ORS 166.435, except that the criminal background check exceptions in ORS 166.435 (4) do not  
33 apply.

34           (b) A law enforcement agency, gun dealer or third party receiving a firearm pursuant to  
35 this subsection shall issue to the person a written proof of transfer. The proof of transfer  
36 must include the person's name, the date of transfer and the serial number, make and model  
37 of each transferred firearm. A proof of transfer issued by a third party must also include the  
38 unique approval number from the Department of State Police from the criminal background  
39 check conducted under ORS 166.435.

40           (c) A person transferring a firearm to a third party under this subsection shall addi-  
41 tionally obtain from the third party a declaration under penalty of perjury confirming receipt  
42 of the firearm and attesting that:

43           (A) The third party understands that the person is prohibited from possessing firearms;  
44 and

45           (B) The third party is subject to criminal penalties if the third party allows the person

1 access to the firearm during the prohibition.

2 (d) A law enforcement agency may accept a firearm transferred under this section.

3 (e) A gun dealer may purchase or may accept for storage a firearm transferred under  
4 this section.

5 (4)(a) Within two judicial days of becoming subject to the court orders described in sub-  
6 section (2) of this section, the person shall file with the court a declaration under penalty  
7 of perjury attesting that:

8 (A) All firearms in the person's possession have been transferred under subsection (3)  
9 of this section to:

10 (i) A law enforcement agency;

11 (ii) A gun dealer; or

12 (iii) A third party;

13 (B) The person was not in possession of any firearms at the time of the court's order  
14 and continues to not possess any firearms; or

15 (C) The person is asserting the person's constitutional right against self-incrimination.

16 (b) The person shall file with the declaration a copy of the proof of transfer, if applicable,  
17 and a copy of the third party declaration, if applicable.

18 (c) The person shall concurrently file with the district attorney copies of the declaration,  
19 proof of transfer and third party declaration filed with the court.

20 (d) If the person does not file a declaration described in paragraph (a) of this subsection,  
21 the district attorney may commence contempt proceedings under ORS 33.015 to 33.155.

22 (5) A person in possession of a firearm in violation of a court order described in sub-  
23 section (2)(a) of this section may not be prosecuted under ORS 166.250 or for contempt of  
24 court if:

25 (a) The person is in possession of a copy of the court order, and the order went into ef-  
26 fect or was issued within the previous 24 hours;

27 (b) The firearm is unloaded; and

28 (c) The person is transporting the firearm to a law enforcement agency, gun dealer or  
29 third party for transfer in accordance with subsection (3) of this section.

30 (6)(a) The court shall terminate the order described in subsection (2)(a) of this section  
31 as follows:

32 (A) For a court order described in subsection (2)(a)(A) of this section, the court shall  
33 terminate the order upon a finding, by a preponderance of the evidence, that the person has  
34 completed a substance use disorder assessment or screening, and any course of treatment  
35 recommended by the assessment or screening.

36 (B) For a court order described in subsection (2)(a)(B) of this section, the court shall  
37 terminate the order upon a finding, by a preponderance of the evidence, that the person has  
38 abstained from using controlled substances for a period of one year.

39 (b) The court may base a finding described in paragraph (a)(B) of this subsection on  
40 documentation from a health care professional or treatment counselor with personal knowl-  
41 edge of the person's use of controlled substances.

42 (c) The court shall ensure that the termination of the court order is entered into the Law  
43 Enforcement Data System and any other state and national databases.

44 (d) Upon the termination, and at the request of the person:

45 (A) A law enforcement agency shall return any stored firearms to the person in accord-

1     **ance with subsection (7) of this section.**

2     **(B) A gun dealer shall return any stored firearms to the person after performing a**  
 3     **criminal background check as defined in ORS 166.432 to confirm that the person is not pro-**  
 4     **hibited from possessing a firearm under state or federal law.**

5     **(C) A third party shall return any stored firearms to the person only after requesting a**  
 6     **criminal background check in accordance with ORS 166.435, except that the criminal back-**  
 7     **ground check exceptions in ORS 166.435 (4) do not apply.**

8     **(7)(a) Upon receiving a request to return a firearm relinquished to a law enforcement**  
 9     **agency pursuant to subsection (3) of this section, the law enforcement agency shall hold the**  
 10    **firearm for 72 hours after receiving the request.**

11    **(b) Prior to returning the firearm, the law enforcement agency shall:**

12    **(A) Confirm that the person to whom the law enforcement agency will return the firearm**  
 13    **is the lawful owner of the firearm, or a person with a possessory right to the firearm; and**

14    **(B) Perform a criminal background check as defined in ORS 166.432 to confirm that the**  
 15    **person is not prohibited from possessing a firearm under state or federal law.**

16    **(8) As used in this section, “disqualifying drug offense” means:**

17    **(a) Unlawful possession of a controlled substance constituting a drug enforcement**  
 18    **misdemeanor as described in section 35, chapter 70, Oregon Laws 2024; or**

19    **(b) Unlawful possession of a controlled substance constituting a Class A misdemeanor**  
 20    **under ORS 475.752 (7)(a) or (8), 475.814 (2)(b), 475.824 (2)(b), 475.834 (2)(b), 475.854 (2)(b),**  
 21    **475.874 (2)(b), 475.884 (2)(b) or 475.894 (2)(b).**

22    **SECTION 7. Section 36, chapter 70, Oregon Laws 2024, is amended to read:**

23    **Sec. 36.** (1) Law enforcement agencies in this state are encouraged to, in lieu of citation or  
 24    arrest, or after citation or arrest but before referral to the district attorney, refer a person to a  
 25    deflection program when the person is suspected of committing, or has been cited or arrested for,  
 26    unlawful possession of a controlled substance constituting a drug enforcement misdemeanor under  
 27    section 35 [*of this 2024 Act*], **chapter 70, Oregon Laws 2024.**

28    (2) District attorneys in this state are encouraged to divert for assessment, treatment and other  
 29    services, in lieu of conviction, cases involving unlawful possession of a controlled substance consti-  
 30    tuting a drug enforcement misdemeanor under section 35 [*of this 2024 Act*], **chapter 70, Oregon**  
 31    **Laws 2024.**

32    (3) If a deflection program is established, the program coordinator shall be responsible for pro-  
 33    viding notification that a person has completed the program to those entities responsible for sealing  
 34    records under section 54 [*of this 2024 Act*], **chapter 70, Oregon Laws 2024**, including but not limited  
 35    to law enforcement agencies, district attorneys and courts.

36    **(4) If a deflection program is established in which a participant is able to enter and**  
 37    **complete the program without making a court appearance on a charge, the program must**  
 38    **have a requirement that each participant, as a condition of participation, agree to not pos-**  
 39    **sess firearms for the duration of the program, and to lawfully transfer all firearms in the**  
 40    **participant’s possession to a law enforcement agency, a gun dealer or a third party until the**  
 41    **program is completed.**

42    [(4)] (5) As used in this section, “deflection program” has the meaning given that term in section  
 43    37 [*of this 2024 Act*], **chapter 70, Oregon Laws 2024.**

44    **SECTION 8. Section 76, chapter 70, Oregon Laws 2024, is amended to read:**

45    **Sec. 76.** (1) As used in this section, “deflection program” means a collaborative program be-

1    tween law enforcement agencies and behavioral health entities that assists individuals who may  
2    have substance use disorder, another behavioral health disorder or co-occurring disorders, to create  
3    community-based pathways to treatment, recovery support services, housing, case management or  
4    other services.

5        (2) The Oregon Behavioral Health Deflection Program is established within the Improving  
6    People's Access to Community-based Treatment, Supports and Services Grant Review Committee  
7    established under ORS 430.234. The program consists of grants awarded by the committee to coun-  
8    ties and federally recognized tribal governments to fund deflection programs.

9        (3)(a) The purpose of the program described in this section is to:

10        (A) Address the need for more deflection programs to assist individuals whose behavioral health  
11    conditions, including substance use disorder, lead to interactions with law enforcement,  
12    incarceration, conviction and other engagement with the criminal justice system.

13        (B) Track and report data concerning deflection program outcomes in order to determine the  
14    best practices for deflection programs within this state.

15        (b) ORS 430.230 to 430.236 do not apply to the program described in this section.

16        (4)(a) The committee shall develop a grant application process for awarding grants under this  
17    section.

18        (b) An application for a grant under this section may be submitted by a county or the designee  
19    of a county, or by a tribal government or designee of a tribal government. Only one application per  
20    county may be submitted, but the application may request funding multiple programs within a  
21    county.

22        (c) Prior to submitting an application for a grant under this section, the applicant shall coordi-  
23    nate with all partners of the development and administration of the proposed deflection program to  
24    ensure that the partners have the resources necessary to implement the deflection program. The  
25    partners shall include at least a district attorney, a law enforcement agency, a community mental  
26    health program established under ORS 430.620 and a provider from a Behavioral Health Resource  
27    Network established under ORS 430.389. Partners may also include a treatment provider, a local  
28    mental health authority, a tribal government, a peer support organization, a court or a local gov-  
29    ernment body.

30        (d) An application for a grant under this section must contain:

31        (A) A description of the coordination with program partners required by paragraph (c) of this  
32    subsection that has occurred;

33        (B) A description of the individuals who would be eligible for the program and what qualifies  
34    as a successful outcome, formulated in cooperation with the program partners described in para-  
35    graph (c) of this subsection;

36        (C) A description of how the program for which the applicant is seeking funding is culturally  
37    and linguistically responsive, trauma-informed and evidence-based;

38        (D) A description of a plan to address language access barriers when communicating program  
39    referral options and program procedures to non-English speaking individuals; and

40        (E) A description of how the program coordinator will communicate with program partners  
41    concerning persons participating in the program and any other matter necessary for the adminis-  
42    tration of the program.

43        (5) To be eligible for funding under this section, a deflection program:

44        (a) Must be coordinated by or in consultation with a community mental health program, a local  
45    mental health authority or a federally recognized tribal government;

(b) Must have a coordinator with the following program coordinator duties:

(A) Convening deflection program partners as needed for the operation of the program;

(B) Managing grant program funds awarded under this section; and

(C) Tracking and reporting data required by the Oregon Criminal Justice Commission under section 37 [of this 2024 Act], **chapter 70, Oregon Laws 2024**;

(c) Must involve the partners described in subsection (4)(c) of this section; [and]

(d) May involve a partnership with one or more of the following entities:

(A) A first responder agency other than a law enforcement agency;

(B) A community provider;

(C) A treatment provider;

(D) A community-based organization;

(E) A case management provider;

(F) A recovery support services provider; or

(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders[.]; **and**

**(e) Must have, if a participant is able to enter and complete the program without making a court appearance on a charge, a requirement that each participant, as a condition of participation, agree to not possess firearms for the duration of the program, and to lawfully transfer all firearms in the participant's possession or control to a law enforcement agency, a gun dealer or a third party until the program is completed.**

(6) During a grant application period established by the committee, the maximum proportion of grant funds available to an applicant shall be determined as follows:

(a) The proportion of grant funds available to an applicant other than a tribal government shall be determined based on the county formula share employed by the Oversight and Accountability Council established under ORS 430.388, but an applicant may not receive less than \$150,000.

(b) The committee shall determine the proportion of funds available to an applicant that is a federally recognized tribal government.

(7)(a) Grant funds awarded under this section may be used for:

(A) Deflection program expenses including but not limited to law enforcement employees, deputy district attorneys and behavioral health treatment workers, including peer navigators and mobile crisis and support services workers.

(B) Behavioral health workforce development.

(C) Capital construction of behavioral health treatment infrastructure.

(b) Notwithstanding paragraph (a) of this subsection, the committee may award planning grants for the development of deflection programs.

(c) The committee may allocate up to three percent of program funds to support grantee data collection and analysis or evaluation of outcome measures.

(8) The Oregon Criminal Justice Commission shall provide staff support to the grant program.

(9) The committee and the commission may adopt rules to carry out the provisions of this section.

**SECTION 9.** 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:

- 1 (a) Carries any firearm concealed upon the person;
- 2 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-
- 3 cle;
- 4 (c) Possesses a firearm and:
- 5 (A) Is under 18 years of age;
- 6 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having
- 7 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-
- 8 volving violence, as defined in ORS 166.470; and
- 9 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being
- 10 charged under this section;
- 11 (C) Has been convicted of a felony;
- 12 (D) Was committed to the Oregon Health Authority under ORS 426.130;
- 13 (E) Was found to be a person with mental illness and subject to an order under ORS 426.130 that
- 14 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;
- 15 (F) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
- 16 or possessing a firearm;
- 17 (G) Has been found guilty except for insanity under ORS 161.295 of a felony; or
- 18 (H) The possession of the firearm by the person is prohibited under ORS 166.255 **or section 6**
- 19 **(1) of this 2025 Act;** or
- 20 (d) Possesses an unfinished frame or receiver and is prohibited from possessing firearms under
- 21 paragraph (c) of this subsection.
- 22 (2) This section does not prohibit:
- 23 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-
- 24 sessing a firearm:
- 25 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or
- 26 guardian or by another person with the consent of the minor's parent or guardian; or
- 27 (B) Temporarily for hunting, target practice or any other lawful purpose; or
- 28 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily
- 29 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270
- 30 and subsection (1) of this section, from owning, possessing or keeping within the person's place of
- 31 residence or place of business any handgun, and no permit or license to purchase, own, possess or
- 32 keep any such firearm at the person's place of residence or place of business is required of any such
- 33 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle
- 34 while used, for whatever period of time, as residential quarters.
- 35 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.
- 36 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a handgun is readily ac-
- 37 cessible within the meaning of this section if the handgun is within the passenger compartment of
- 38 the vehicle.
- 39 (b) If a vehicle, other than a vehicle described in paragraph (c) of this subsection, has no storage
- 40 location that is outside the passenger compartment of the vehicle, a handgun is not readily acces-
- 41 sible within the meaning of this section if:
- 42 (A) The handgun is stored in a closed and locked glove compartment, center console or other
- 43 container; and
- 44 (B) The key is not inserted into the lock, if the glove compartment, center console or other
- 45 container unlocks with a key.

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

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

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

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

#### CAPTIONS

**SECTION 10. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.**

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