

House Bill 2127

Sponsored by Representatives POST, WITT; Representative NEARMAN (Pre-session filed.)

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 **as introduced**.

Directs Department of Justice to create and maintain list of states that recognize Oregon concealed handgun licenses and require handgun competency to obtain concealed handgun license that is similar to competency required in Oregon.

Authorizes Attorney General to enter into agreement with concealed handgun license issuing authority of other state if agreement is necessary for license reciprocity.

Provides person who is not resident of Oregon, who is not otherwise prohibited from possessing firearm and who is licensed to carry concealed handgun in another state with protections provided to person with Oregon concealed handgun license, if other state is on department's list of states.

A BILL FOR AN ACT

1
2 Relating to concealed handgun license reciprocity with other states; creating new provisions; and
3 amending ORS 166.173, 166.260, 166.262, 166.370, 166.375, 166.380, 166.663 and 821.240.

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

5 **SECTION 1. (1) The Department of Justice shall create and maintain a list of states that:**

6 **(a) Authorize a person who is licensed under ORS 166.291 and 166.292 to carry a concealed**
7 **handgun in that state; and**

8 **(b) In order to obtain a concealed handgun license or permit, require license or permit**
9 **applicants to demonstrate competency with a handgun by any one of the following:**

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

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

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

19 **(D) Completion of any law enforcement firearms safety or training course or class of-**
20 **fered for security guards, investigators, reserve law enforcement officers or any other law**
21 **enforcement officers if handgun safety was a component of the course; or**

22 **(E) Evidence of equivalent experience with a handgun through participation in organized**
23 **shooting competition or military service.**

24 **(2)(a) The Department of Justice shall update the list described in subsection (1) of this**
25 **section at least once each year.**

26 **(b) The department shall provide the list described in subsection (1) of this section to all**
27 **law enforcement agencies within this state.**

28 **(c) The department shall make the list described in subsection (1) of this section available**

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.

1 to the public without charge on an Internet website.

2 (3) The Attorney General is authorized to enter into a reciprocal agreement with a state
 3 or local law enforcement agency or court that issues concealed handgun licenses or permits
 4 in another state, or another issuing authority of that state, if the state is on the list de-
 5 scribed in subsection (1) of this section and such an agreement is necessary to allow resi-
 6 dents of each state who hold valid concealed handgun licenses or permits to lawfully possess
 7 a concealed handgun in each state.

8 (4) The department may adopt rules to carry out the provisions of this section.

9 **SECTION 2.** ORS 166.173 is amended to read:

10 166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the pos-
 11 session of loaded firearms in public places as defined in ORS 161.015.

12 (2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

13 (a) A law enforcement officer.

14 (b) A member of the military in the performance of official duty.

15 (c) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

16 (d) A person who is not a resident of this state, who is not otherwise prohibited from
 17 possessing a firearm under state or federal law and who is authorized to carry a concealed
 18 handgun pursuant to a valid license or permit that was issued, in a state on the list described
 19 in section 1 of this 2017 Act, by a state or local law enforcement agency, a court or another
 20 issuing authority of that state.

21 [(d)] (e) A person authorized to possess a loaded firearm while in or on a public building or
 22 court facility under ORS 166.370.

23 [(e)] (f) An employee of the United States Department of Agriculture, acting within the scope
 24 of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

25 [(f)] (g) An honorably retired law enforcement officer, unless the person who is a retired law
 26 enforcement officer has been convicted of an offense that would make the person ineligible to obtain
 27 a concealed handgun license under ORS 166.291 and 166.292.

28 **SECTION 3.** ORS 166.260 is amended to read:

29 166.260. (1) ORS 166.250 does not apply to or affect:

30 (a) A parole and probation officer, police officer or reserve officer, as those terms are defined
 31 in ORS 181A.355.

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

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

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

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

42 (f) Active or reserve members of:

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

45 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

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

3 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS
4 166.250 from the United States, or from this state.

5 (h) Duly authorized military or civil organizations while parading, or the members thereof when
6 going to and from the places of meeting of their organization.

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

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

10 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
11 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

16 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
17 turning from a hunting or fishing expedition.

18 (c) **A person who is not a resident of this state and who is authorized to carry a con-
19 cealed handgun pursuant to a valid license or permit that was issued, in a state on the list
20 described in section 1 of this 2017 Act, by a state or local law enforcement agency, a court
21 or another issuing authority of that state.**

22 (4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses
23 to a charge of violating ORS 166.250.

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

25 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
26 (b) or 166.370 (1) if the person has in the person's immediate possession:

27 (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292;

28 (2) **For a person who is not otherwise prohibited from possessing a firearm and who is
29 not a resident of this state, a valid license or permit that was issued, in a state on the list
30 described in section 1 of this 2017 Act, by a state or local law enforcement agency, a court
31 or another issuing authority of that state, and that authorizes the person to carry a con-
32 cealed handgun;**

33 [(2)] (3) Proof that the person is a law enforcement officer; or

34 [(3)] (4) Proof that the person is an honorably retired law enforcement officer, unless the person
35 has been convicted of an offense that would make the person ineligible to obtain a concealed
36 handgun license under ORS 166.291 and 166.292.

37 **SECTION 5.** ORS 166.370 is amended to read:

38 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
39 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
40 guilty of a Class C felony.

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

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

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

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

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

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

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

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

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

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

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

22 (e) An honorably retired law enforcement officer.

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

25 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

26 **(h) A person who is not a resident of this state, who is not otherwise prohibited from**
 27 **possessing a firearm and who is authorized to carry a concealed handgun pursuant to a valid**
 28 **license or permit that was issued, in a state on the list described in section 1 of this 2017**
 29 **Act, by a state or local law enforcement agency, a court or another issuing authority of that**
 30 **state.**

31 [(h)] (i) A person who is authorized by the officer or agency that controls the public building
 32 to possess a firearm or dangerous weapon in that public building.

33 [(i)] (j) An employee of the United States Department of Agriculture, acting within the scope
 34 of employment, who possesses a firearm in the course of the lawful taking of wildlife.

35 [(j)] (k) Possession of a firearm on school property if the firearm:

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

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

38 (4)(a) The exceptions listed in subsection (3)(d) to [(j)] (k) of this section constitute affirmative
 39 defenses to a charge of violating subsection (1) of this section.

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

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

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

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

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

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

7 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
8 166.279.

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

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

14 **SECTION 6.** ORS 166.375 is amended to read:

15 166.375. (1) Notwithstanding ORS 162.135 and 162.185 or any Department of Corrections regu-
16 lation, rule, policy or provision of an employment contract to the contrary, if the department has
17 not provided a secure and locked location for the storage of personal handguns and ammunition by
18 authorized staff, authorized staff may possess a personal handgun and ammunition in the authorized
19 staff member's personal vehicle when the vehicle is parked in a department parking lot if the au-
20 thorized staff member:

21 (a) Is present at a public building owned or occupied by the department;

22 (b)(A) Has a valid concealed handgun license issued pursuant to ORS 166.291 and 166.292; **or**

23 **(B) Is not a resident of this state, is not otherwise prohibited from possessing a firearm**
24 **and has a valid license or permit to carry a concealed handgun that was issued, in a state**
25 **on the list described in section 1 of this 2017 Act, by a state or local law enforcement agency,**
26 **a court or another issuing authority of that state; and**

27 (c) Has secured the personal handgun and ammunition in a closed and locked container designed
28 for the storage of firearms inside the vehicle.

29 (2)(a) Authorized staff may possess and store only the amount and types of ammunition author-
30 ized by the department by written policy or rule.

31 (b) The department shall adopt written policies or rules to carry out the purposes of this section.
32 The policies or rules shall include, at a minimum, procedures for and responsibilities of authorized
33 staff when possessing and storing personal handguns and ammunition on property owned or occupied
34 by the department under this section.

35 (3) As used in this section and ORS 423.045:

36 (a) "Authorized staff" means employees of the department and employees of the State Board of
37 Parole and Post-Prison Supervision and Oregon Corrections Enterprises who are assigned to work
38 in or at a public building owned or occupied by the department.

39 (b) "Handgun" has the meaning given that term in ORS 166.210.

40 (c) "Vehicle" means a vehicle that is self-propelled and that is commonly known as a passenger
41 car, van, truck or motorcycle.

42 **SECTION 7.** ORS 166.380 is amended to read:

43 166.380. (1) Except as provided in subsection (2) of this section, a peace officer may examine a
44 firearm possessed by anyone on the person while in or on a public building to determine whether
45 the firearm is a loaded firearm.

1 (2)(a) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun
 2 may present a valid concealed handgun license to the peace officer instead of providing the firearm
 3 to the peace officer for examination.

4 **(b) A person who is not a resident of this state, who is not otherwise prohibited from**
 5 **possessing a firearm and who is authorized to carry a concealed handgun pursuant to a valid**
 6 **license or permit that was issued, in a state on the list described in section 1 of this 2017**
 7 **Act, by a state or local law enforcement agency, a court or another issuing authority of that**
 8 **state, may present the valid license or permit to the peace officer instead of providing the**
 9 **firearm to the peace officer for examination.**

10 **SECTION 8.** ORS 166.663 is amended to read:

11 166.663. (1) A person may not cast from a motor vehicle an artificial light while there is in the
 12 possession or in the immediate physical presence of the person a bow and arrow or a firearm.

13 (2) Subsection (1) of this section does not apply to a person casting an artificial light:

14 (a) From the headlights of a motor vehicle that is being operated on a road in the usual manner.

15 (b) When the bow and arrow or firearm that the person has in the possession or immediate
 16 physical presence of the person is disassembled or stored, or in the trunk or storage compartment
 17 of the motor vehicle.

18 (c) When the ammunition or arrows are stored separate from the weapon.

19 (d) On land owned or lawfully occupied by that person.

20 (e) On publicly owned land when that person has an agreement with the public body to use that
 21 property.

22 (f) When the person is a peace officer, or is a government employee engaged in the performance
 23 of official duties.

24 (g) When the person has been issued a license under ORS 166.291 and 166.292 to carry a con-
 25 cealed handgun.

26 **(h) When the person is not a resident of this state, is not otherwise prohibited from**
 27 **possessing a firearm and is authorized to carry a concealed handgun pursuant to a valid li-**
 28 **cence or permit that was issued, in a state on the list described in section 1 of this 2017 Act,**
 29 **by a state or local law enforcement agency, a court or another issuing authority of that**
 30 **state.**

31 [(h)] (i) When the person is an honorably retired law enforcement officer, unless the person has
 32 been convicted of an offense that would make the person ineligible to obtain a concealed handgun
 33 license under ORS 166.291 and 166.292.

34 (3) A peace officer may issue a citation to a person for a violation of subsection (1) of this sec-
 35 tion when the violation is committed in the presence of the peace officer or when the peace officer
 36 has probable cause to believe that a violation has occurred based on a description of the vehicle
 37 or other information received from a peace officer who observed the violation.

38 (4) Violation of subsection (1) of this section is punishable as a Class B violation.

39 (5) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

40 **SECTION 9.** ORS 821.240 is amended to read:

41 821.240. (1) A person commits the offense of operating a snowmobile or an all-terrain vehicle
 42 while carrying a firearm or bow if the person operates any snowmobile or all-terrain vehicle with
 43 a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless all
 44 arrows are in a quiver.

45 (2) Subsection (1) of this section does not apply to:

1 (a) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun;

2 **(b) A person who is not a resident of this state, who is not otherwise prohibited from**
3 **possessing a firearm and who is authorized to carry a concealed handgun pursuant to a valid**
4 **license or permit that was issued, in a state on the list described in section 1 of this 2017**
5 **Act, by a state or local law enforcement agency, a court or another issuing authority of that**
6 **state;**

7 [(b)] (c) A law enforcement officer; or

8 [(c)] (d) An honorably retired law enforcement officer, unless the person who is a retired law
9 enforcement officer has been convicted of an offense that would make the person ineligible to obtain
10 a concealed handgun license under ORS 166.291 and 166.292.

11 (3) As used in this section, “unloaded” means:

12 (a) If the firearm is a revolver, that there is no live cartridge in the chamber that is aligned
13 with the hammer of the revolver;

14 (b) If the firearm is a muzzle-loading firearm, that the firearm is not capped or primed; or

15 (c) If the firearm is other than a revolver or a muzzle-loading firearm, that there is no live
16 cartridge in the chamber.

17 (4) The offense described in this section, operating a snowmobile or an all-terrain vehicle while
18 carrying a firearm or bow, is a Class B traffic violation.

19 **SECTION 10. The amendments to ORS 166.173, 166.260, 166.262, 166.370, 166.375, 166.380,**
20 **166.663 and 821.240 by sections 2 to 9 of this 2017 Act apply to conduct occurring on or after**
21 **the effective date of this 2017 Act.**

22