

# House Bill 2843

Sponsored by Representatives WHISNANT, BARKER, GORSEK, OLSON

## 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**.

Allows off-duty law enforcement officers to possess firearms in public buildings.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to possession of firearms; amending ORS 166.370; and declaring an emergency.

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

**SECTION 1.** ORS 166.370 is amended to read:

166.370. (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 be guilty of a Class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

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

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

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

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

(a) A sheriff, police officer, other duly appointed peace officers or a corrections officer [*while acting within the scope of employment*].

(b) A person summoned by a peace officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

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

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

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

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

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

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

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

2 (4) The exceptions listed in subsection (3)(b) to (g) of this section constitute affirmative defenses  
3 to a charge of violating subsection (1) of this section.

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

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

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

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

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

13 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
14 166.279.

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

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

20 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
22 **on its passage.**

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