

Senate Bill 817

Sponsored by Senator BURDICK, Representative WILLIAMSON; Senators DEMBROW, FREDERICK, GOLDEN, HASS, MANNING JR, MONNES ANDERSON, RILEY, STEINER HAYWARD, TAYLOR, WAGNER, Representatives DOHERTY, GORSEK, NOSSE, POWER, SALINAS, SANCHEZ

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**.

Creates crime of unlawful storage of firearm. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Punishes second and subsequent convictions by maximum of five years' imprisonment, \$125,000 fine, or both.

Requires gun dealers to post notice concerning obligation to store firearms in safe manner.

Prohibits sale, delivery or transfer of firearm to person convicted of unlawful storage of firearm for five-year period after conviction. Punishes unlawful sale, delivery or transfer by maximum of 364 days' imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1 Relating to firearms; creating new provisions; and amending ORS 166.470.

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

3 **SECTION 1. (1) A person commits the crime of unlawful storage of a firearm if:**

4 (a) **The person, with criminal negligence, stores or leaves a firearm in a location where**
5 **the person knows, or reasonably should know, that a minor under 17 years of age is likely**
6 **to gain access to the firearm;**

7 (b) **A minor under 17 years of age gains access to the firearm; and**

8 (c) **The minor:**

9 (A) **Possesses the firearm in a public place;**

10 (B) **Exhibits the firearm in a careless, angry or threatening manner; or**

11 (C) **Injures or kills a person by means of the firearm.**

12 (2)(a) **Unlawful storage of a firearm is a Class A misdemeanor.**

13 (b) **Notwithstanding paragraph (a) of this subsection, unlawful storage of a firearm is a**
14 **Class C felony if, at the time of the offense, the defendant has at least one prior conviction**
15 **under this section.**

16 (3) **Subsection (1) of this section does not apply if:**

17 (a) **The minor obtains and possesses the firearm while under the direct supervision of the**
18 **minor's parent or guardian;**

19 (b) **The minor obtains possession of the firearm:**

20 (A) **In a lawful act of self-defense or defense of another person; or**

21 (B) **Through the illegal act of any person other than the person described in subsection**
22 **(1)(a) of this section;**

23 (c) **The firearm is equipped with a trigger lock or other safe storage device;**

24 (d) **The firearm is stored in a securely locked container or in a location that a reasonable**
25 **person would believe to be secure;**

26 (e) **The firearm is rendered inoperable by the removal of an essential component of the**
27

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 firing mechanism; or

2 (f) The person is a peace officer or member of the military forces of this state or the
 3 United States and the minor obtained the firearm during, or incidental to, the performance
 4 of the person’s duties.

5 (4) As used in this section:

6 (a) “Firearm” has the meaning given that term in ORS 166.210.

7 (b) “Public place” has the meaning given that term in ORS 161.015.

8 **SECTION 2.** A gun dealer shall post in a prominent location in the gun dealer’s place of
 9 business a notice, in block letters not less than one inch in height, that states: “The pur-
 10 chaser of a firearm has an obligation to store firearms in a safe manner and to prevent un-
 11 supervised access to a firearm by a minor. If a minor obtains access to a firearm and the
 12 owner failed to store the firearm in a safe manner, the owner may be guilty of a crime.”

13 **SECTION 3.** ORS 166.470 is amended to read:

14 166.470. (1) Unless relief has been granted under ORS 166.273 or 166.274 or 18 U.S.C. 925(c) or
 15 the expunction laws of this state or an equivalent law of another jurisdiction, a person may not in-
 16 tentionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably
 17 should know that the recipient:

18 (a) Is under 18 years of age;

19 (b) Has been convicted of a felony;

20 (c) Has any outstanding felony warrants for arrest;

21 (d) Is free on any form of pretrial release for a felony;

22 (e) Was committed to the Oregon Health Authority under ORS 426.130;

23 (f) After January 1, 1990, was found to be a person with mental illness and subject to an order
 24 under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result
 25 of that mental illness;

26 (g) Has been convicted of a misdemeanor involving violence or found guilty except for insanity
 27 under ORS 161.295 of a misdemeanor involving violence within the previous four years. As used in
 28 this paragraph, “misdemeanor involving violence” means a misdemeanor described in ORS 163.160,
 29 163.187, 163.190, 163.195 or 166.155 (1)(b);

30 (h) Is presently subject to an order under ORS 426.133 prohibiting the person from purchasing
 31 or possessing a firearm; [or]

32 (i) Has been found guilty except for insanity under ORS 161.295 of a felony[.]; or

33 **(j) Has been convicted of unlawful storage of a firearm under section 1 of this 2019 Act**
 34 **within the five years immediately preceding the date of the attempted sale, delivery or**
 35 **transfer.**

36 (2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or
 37 reasonably should know is stolen.

38 (3) Subsection (1)(a) of this section does not prohibit:

39 (a) The parent or guardian, or another person with the consent of the parent or guardian, of a
 40 minor from transferring to the minor a firearm, other than a handgun; or

41 (b) The temporary transfer of any firearm to a minor for hunting, target practice or any other
 42 lawful purpose.

43 (4) Violation of this section is a Class A misdemeanor.

44