

SB 243-AMR11  
(LC 3066)  
5/16/25 (JLM/ps)

Requested by Senator BONHAM

**PROPOSED MINORITY REPORT AMENDMENTS TO  
A-ENGROSSED SENATE BILL 243**

1 On page 1 of the printed A-engrossed bill, line 2, after the second semi-  
2 colon delete the rest of the line and delete line 3 and insert “amending ORS  
3 166.250, 166.262, 166.291, 166.360 and 166.370 and sections 36 and 76, chapter  
4 70, Oregon Laws 2024; and repealing ORS 166.377, 166.390, 166.392, 166.395,  
5 166.397, 166.400, 166.403 and 166.405.

6 “Whereas the enactment of proposed legislation prohibiting the pos-  
7 session, manufacture, transport and transfer of certain firearm accessories,  
8 and limiting where concealed handgun licensees may possess firearms, would  
9 erode Constitutional protections; and

10 “Whereas a law prohibiting the possession, manufacture, transport and  
11 transfer of certain firearm accessories, and limiting where concealed  
12 handgun licensees may possess firearms, will inevitably be broken by crimi-  
13 nals while simultaneously infringing on law abiding citizens’ ability to pro-  
14 tect themselves and their loved ones; and

15 “Whereas the ruling party continues to push incremental bans that dis-  
16 arm citizens while criminals ignore laws; and

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

19 “Whereas proposed legislation prohibiting the possession, manufacture,  
20 transport and transfer of certain firearm accessories, and limiting where  
21 concealed handgun licensees may possess firearms, targets responsible gun

1 owners and concealed handgun license holders, who undergo background  
2 checks and training, rather than addressing the criminal misuse of firearms;  
3 and

4 “Whereas the ruling party passed a concealed handgun license ban at the  
5 Capitol and then upgraded security officers and metal detectors, but local  
6 governments will most likely not provide the same enhanced security meas-  
7 ures; and

8 “Whereas the ruling party is perfectly fine disarming law-abiding con-  
9 cealed handgun license holders but offers zero safety mechanisms for local  
10 governments; and

11 “Whereas the right to keep and bear arms is enshrined in the Constitu-  
12 tion to protect individual liberty and self-defense; and

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

17 “Whereas banning concealed handgun license holders from carrying in  
18 public spaces disarms those best equipped to respond to threats, leaving cit-  
19 izens defenseless; and

20 “Whereas enabling local bans on concealed handgun license holders in-  
21 creases the risk of mass casualty events in public spaces; and

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

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

26 “Whereas proposed legislation prohibiting the possession, manufacture,  
27 transport and transfer of certain firearm accessories burdens law-abiding  
28 hobbyists and sport shooters who use such devices responsibly; now, there-  
29 fore,”.

30 Delete lines 5 through 12 and delete pages 2 through 10 and insert:

1                   **“REPEAL OF SENATE BILL 554 (2021)”**

2  
3           **“SECTION 1. ORS 166.377, 166.390, 166.392, 166.395, 166.397, 166.400,**  
4 **166.403 and 166.405 are repealed.**

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

6           “166.360. As used in ORS 166.360 to 166.380, unless the context requires  
7 otherwise:

8           “(1) ‘Capitol building’ means the Capitol, the State Office Building, the  
9 State Library Building, the Labor and Industries Building, the State Trans-  
10 portation Building, the Agriculture Building or the Public Service Building  
11 and includes any new buildings which may be constructed on the same  
12 grounds as an addition to the group of buildings listed in this subsection.

13           “(2) ‘Court facility’ means a courthouse or that portion of any other  
14 building occupied by a circuit court, the Court of Appeals, the Supreme  
15 Court or the Oregon Tax Court or occupied by personnel related to the op-  
16 erations of those courts, or in which activities related to the operations of  
17 those courts take place.

18           “(3) ‘Judge’ means a judge of a circuit court, the Court of Appeals, the  
19 Supreme Court, the Oregon Tax Court, a municipal court, a probate court  
20 or a juvenile court or a justice of the peace.

21           “(4) ‘Judicial district’ means a circuit court district established under  
22 ORS 3.012 or a justice of the peace district established under ORS 51.020.

23           “(5) ‘Juvenile court’ has the meaning given that term in ORS 419A.004.

24           “(6) ‘Loaded firearm’ means:

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

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

30           “(7) ‘Local court facility’ means the portion of a building in which a

1 justice court, a municipal court, a probate court or a juvenile court conducts  
2 business, during the hours in which the court operates.

3 “(8) ‘Probate court’ has the meaning given that term in ORS 111.005.

4 “(9) ‘Public building’ means[:]

5 “[*(a)*] a hospital, a capitol building, a public or private school, as defined  
6 in ORS 339.315, a college or university, a city hall or the residence of any  
7 state official elected by the state at large, and the grounds adjacent to each  
8 such building. The term also includes that portion of any other building oc-  
9 cupied by an agency of the state or [*by a city, a county, a district as defined*  
10 *in ORS 198.010 or any other entity that falls within the definition of ‘municipi-*  
11 *pal corporation’]* **a municipal corporation, as defined** in ORS 297.405, other  
12 than a court facility[; or]

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

15 “(10) ‘Weapon’ means:

16 “(a) A firearm;

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

21 “(c) Mace, tear gas, pepper mace or any similar deleterious agent as de-  
22 fined in ORS 163.211;

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

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

25 “(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku,  
26 nightstick, truncheon or any similar instrument, the use of which could in-  
27 flict injury upon a person or property; or

28 “(g) A dangerous or deadly weapon as those terms are defined in ORS  
29 161.015.

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

1       “166.370. [(1)(a)] (1) Any person who intentionally possesses a loaded or  
2 unloaded firearm or any other instrument used as a dangerous weapon, while  
3 in or on a public building, shall upon conviction be guilty of a Class C fel-  
4 ony.

5       “[(b) Notwithstanding paragraph (a) of this subsection, in a prosecution  
6 under this section for the possession of a firearm within the Capitol, within  
7 the passenger terminal of a commercial service airport with over one million  
8 passenger boardings per year or on school grounds subject to a policy described  
9 in ORS 166.377, if the person proves by a preponderance of the evidence that,  
10 at the time of the possession, the person was licensed under ORS 166.291 and  
11 166.292 to carry a concealed handgun, upon conviction the person is guilty of  
12 a Class A misdemeanor.]

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

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

18       “(B) A weapon, other than a firearm, in a court facility may be required  
19 to surrender the weapon to a law enforcement officer or to immediately re-  
20 move it from the court facility. A person who fails to comply with this sub-  
21 paragraph is guilty, upon conviction, of a Class C felony.

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

26       “(b) The presiding judge of a judicial district or a municipal court may  
27 enter an order permitting the possession of specified weapons in a court fa-  
28 cility.

29       “(c) Within a shared court facility, the presiding judge of a municipal  
30 court or justice of the peace district may not enter an order concerning the

possession of weapons in the court facility that is in conflict with an order entered by the presiding judge of the circuit court.

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

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

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

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

“(d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

“(e) An honorably retired law enforcement officer.

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

“(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun[ *except as provided in subsection (1)(b) of this section*].

“(h) 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.

“(i) 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.

“(j) 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

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

“[(k) A person who possesses a firearm in the passenger terminal of a

1 *commercial service airport, if the firearm is unloaded and in a locked hard-*  
2 *sided container for the purposes of transporting the firearm as checked bag-*  
3 *gage in accordance with federal law.]*

4 “(4)(a) [*Except as provided in subsection (1)(b) of this section,*] The ex-  
5 ceptions listed in subsection (3)(d) to [(*k*)] (**j**) of this section constitute af-  
6 firmative defenses to a charge of violating subsection [(*1(a)*)] (**1**) of this  
7 section.

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

12 “(5)(a) Any person who knowingly, or with reckless disregard for the  
13 safety of another, discharges or attempts to discharge a firearm at a place  
14 that the person knows is a school shall upon conviction be guilty of a Class  
15 C felony.

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

18 “(A) As part of a program approved by a school in the school by an in-  
19 dividual who is participating in the program;

20 “(B) By a law enforcement officer acting in the officer’s official capacity;  
21 or

22 “(C) By an employee of the United States Department of Agriculture,  
23 acting within the scope of employment, in the course of the lawful taking  
24 of wildlife.

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

27 “(7) Notwithstanding the fact that a person’s conduct in a single criminal  
28 episode constitutes a violation of both subsections (1) and (5) of this section,  
29 the district attorney may charge the person with only one of the offenses.

30 “(8) As used in this section, ‘dangerous weapon’ means a dangerous

1 weapon as that term is defined in ORS 161.015.

2 **“SECTION 4.** ORS 166.262 is amended to read:

3 “166.262. A peace officer may not arrest or charge a person for violating  
4 ORS 166.250 (1)(a) or (b) or 166.370 [(1)(a)] (1) if the person has in the  
5 person’s immediate possession:

6 “(1) A valid license to carry a firearm as provided in ORS 166.291 and  
7 166.292[, *unless the person possesses a firearm within the Capitol, within the*  
8 *passenger terminal of a commercial service airport with over one million pas-*  
9 *senger boardings per year or on school grounds subject to a policy described*  
10 *in ORS 166.377*];

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

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

16 **“SECTION 5.** ORS 166.291 is amended to read:

17 “166.291. (1) The sheriff of a county, upon a person’s application for an  
18 Oregon concealed handgun license, upon receipt of the appropriate fees and  
19 after compliance with the procedures set out in this section, shall issue the  
20 person a concealed handgun license if the person:

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

22 “(B) Is a legal resident noncitizen who can document continuous resi-  
23 dency in the county for at least six months and has declared in writing to  
24 the United States Citizenship and Immigration Services the intent to acquire  
25 citizenship status and can present proof of the written declaration to the  
26 sheriff at the time of application for the license;

27 “(b) Is at least 21 years of age;

28 “(c) Is a resident of the county;

29 “(d) Has no outstanding warrants for arrest;

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



1       “(f) Demonstrates competence with a handgun by any one of the follow-  
2 ing:

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

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

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

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

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

19       “(F) Is licensed or has been licensed to carry a firearm in this state, un-  
20 less the license has been revoked; or

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

24       “(g) Has never been convicted of a felony or found guilty, except for in-  
25 sanity under ORS 161.295, of a felony;

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

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

1 426.130;

2 “(j) Has not been found to be a person with mental illness and is not  
3 subject to an order under ORS 426.130 that the person be prohibited from  
4 purchasing or possessing a firearm as a result of that mental illness;

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

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

13 “(A) The person can demonstrate that the person has been convicted only  
14 once of a marijuana possession offense that constituted a misdemeanor or  
15 violation under the law of the jurisdiction of the offense, and has not com-  
16 pleted a drug diversion program for a marijuana possession offense that  
17 constituted a misdemeanor or violation under the law of the jurisdiction of  
18 the offense; or

19 “(B) The person can demonstrate that the person has only once completed  
20 a drug diversion program for a marijuana possession offense that constituted  
21 a misdemeanor or violation under the law of the jurisdiction of the offense,  
22 and has not been convicted of a marijuana possession offense that consti-  
23 tuted a misdemeanor or violation under the law of the jurisdiction of the  
24 offense;

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

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

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

30 “(p) Is not presently subject to an order under ORS 426.133 prohibiting

1 the person from purchasing or possessing a firearm.

2 “(2) A person who has been granted relief under ORS 166.273, 166.274 or  
3 166.293 or 18 U.S.C. 925(c) or has had the person’s record expunged under the  
4 laws of this state or equivalent laws of other jurisdictions is not subject to  
5 the disabilities in subsection (1)(g) to (L) of this section.

6 “(3) Before the sheriff may issue a license:

7 “(a) The application must state the applicant’s legal name, current ad-  
8 dress and telephone number, date and place of birth, hair and eye color and  
9 height and weight. The application must also list the applicant’s residence  
10 address or addresses for the previous three years. The application must con-  
11 tain a statement by the applicant that the applicant meets the requirements  
12 of subsection (1) of this section. The application may include the Social Se-  
13 curity number of the applicant if the applicant voluntarily provides this  
14 number. The application must be signed by the applicant.

15 “(b) The applicant must submit to fingerprinting and photographing by  
16 the sheriff. The sheriff shall fingerprint and photograph the applicant and  
17 shall conduct any investigation necessary to corroborate the requirements  
18 listed under subsection (1) of this section. If a nationwide criminal records  
19 check is necessary, the sheriff shall request the Department of State Police  
20 to conduct the check, including fingerprint identification, through the Fed-  
21 eral Bureau of Investigation. The Federal Bureau of Investigation shall re-  
22 turn the fingerprint cards used to conduct the criminal records check and  
23 may not keep any record of the fingerprints. The Department of State Police  
24 shall report the results of the fingerprint-based criminal records check to the  
25 sheriff. The Department of State Police shall also furnish the sheriff with  
26 any information about the applicant that the Department of State Police may  
27 have in its possession including, but not limited to, manual or computerized  
28 criminal offender information.

29 “(4) Application forms for concealed handgun licenses shall be supplied  
30 by the sheriff upon request. The forms shall be uniform throughout this state

1 in substantially the following form:

2 “

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3 APPLICATION FOR LICENSE TO CARRY  
4 CONCEALED HANDGUN

5 Date\_\_\_\_\_

6 I hereby declare as follows:

7 I am a citizen of the United States or a legal resident noncitizen who can  
8 document continuous residency in the county for at least six months and  
9 have declared in writing to the United States Citizenship and Immigration  
10 Services my intention to become a citizen and can present proof of the  
11 written declaration to the sheriff at the time of this application. I am at least  
12 21 years of age. I have been discharged from the jurisdiction of the juvenile  
13 court for more than four years if, while a minor, I was found to be within  
14 the jurisdiction of the juvenile court for having committed an act that, if  
15 committed by an adult, would constitute a felony or a misdemeanor involving  
16 violence, as defined in ORS 166.470. I have never been convicted of a felony  
17 or found guilty, except for insanity under ORS 161.295, of a felony in the  
18 State of Oregon or elsewhere. I have not, within the last four years, been  
19 convicted of a misdemeanor or found guilty, except for insanity under ORS  
20 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have  
21 not been convicted of an offense involving controlled substances or com-  
22 pleted a court-supervised drug diversion program. There are no outstanding  
23 warrants for my arrest and I am not free on any form of pretrial release. I  
24 have not been committed to the Oregon Health Authority under ORS 426.130,  
25 nor have I been found to be a person with mental illness and presently sub-  
26 ject to an order prohibiting me from purchasing or possessing a firearm be-  
27 cause of mental illness. I am not under a court order to participate in  
28 assisted outpatient treatment that includes an order prohibiting me from  
29 purchasing or possessing a firearm. If any of the previous conditions do apply  
30 to me, I have been granted relief or wish to petition for relief from the dis-

1 ability under ORS 166.273, 166.274 or 166.293 or 18 U.S.C. 925(c) or have had  
2 the records expunged. I am not subject to a citation issued under ORS  
3 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I  
4 have never received a dishonorable discharge from the Armed Forces of the  
5 United States. I am not required to register as a sex offender in any state.  
6 I understand I will be fingerprinted and photographed.

7

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

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

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

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

12 (Disclosure of your Social Security account number is voluntary. Solicita-  
13 tion of the number is authorized under ORS 166.291. It will be used only as  
14 a means of identification.)

15

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

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

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

21

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

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

24

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

26

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

27

28

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

30 Phone \_\_\_\_\_

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

4 \_\_\_\_\_  
5 (Signature of Applicant)  
6

7 Character references.

8 \_\_\_\_\_  
9 Name: Address

10 \_\_\_\_\_  
11 Name: Address  
12

13 Approved \_\_\_\_ Disapproved \_\_\_\_ by \_\_\_\_  
14

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

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

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

18 “ \_\_\_\_\_

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

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

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

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

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

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

29 “(6) No civil or criminal liability shall attach to the sheriff or any au-  
30 thorized representative engaged in the receipt and review of, or an investi-

gation 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.

## **“POSSESSION OF FIREARMS BY PERSONS CHARGED WITH DRUG POSSESSION**

**“SECTION 6. (1) It is unlawful for a person to knowingly possess a**

1 firearm if the person is the subject of a court order prohibiting the  
2 person from possessing firearms under subsection (2)(a) of this section.

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

6 “(A) Except as provided in subparagraph (B) of this paragraph, the  
7 court shall enter a written order prohibiting the person from possess-  
8 ing firearms until the person demonstrates, and the court finds by a  
9 preponderance of the evidence, that the person has completed a sub-  
10 stance use disorder assessment or screening, and any course of treat-  
11 ment recommended by the assessment or screening.

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

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

21 “(A) Transfer all firearms in the person’s possession in accordance  
22 with subsection (3) of 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 para-  
25 graph (a) of this subsection is entered into the Law Enforcement Data  
26 System and any other state and national databases necessary to en-  
27 sure the enforcement of the court’s order.

28 “(3)(a) Within 24 hours of becoming subject to the court orders de-  
29 scribed in subsection (2) of this section, the person shall transfer all  
30 firearms in the person’s possession to a local law enforcement agency,



1 to a gun dealer as defined in ORS 166.412 or to a third party who does  
2 not reside with the person, and shall obtain a proof of transfer under  
3 paragraph (b) of this subsection. A transfer to a third party under this  
4 subsection must be in accordance with ORS 166.435, except that the  
5 criminal background check exceptions in ORS 166.435 (4) do not apply.

6 “(b) A law enforcement agency, gun dealer or third party receiving  
7 a firearm pursuant to this subsection shall issue to the person a  
8 written proof of transfer. The proof of transfer must include the  
9 person’s name, the date of transfer and the serial number, make and  
10 model of each transferred firearm. A proof of transfer issued by a third  
11 party must also include the unique approval number from the De-  
12 partment of State Police from the criminal background check con-  
13 ducted under ORS 166.435.

14 “(c) A person transferring a firearm to a third party under this  
15 subsection shall additionally obtain from the third party a declaration  
16 under penalty of perjury confirming receipt of the firearm and attest-  
17 ing that:

18 “(A) The third party understands that the person is prohibited from  
19 possessing firearms; and

20 “(B) The third party is subject to criminal penalties if the third  
21 party allows the person access to the firearm during the prohibition.

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

24 “(e) A gun dealer may purchase or may accept for storage a firearm  
25 transferred under this section.

26 “(4)(a) Within two judicial days of becoming subject to the court  
27 orders described in subsection (2) of this section, the person shall file  
28 with the court a declaration under penalty of perjury attesting that:

29 “(A) All firearms in the person’s possession have been transferred  
30 under subsection (3) of this section to:

1       “(i) A law enforcement agency;

2       “(ii) A gun dealer; or

3       “(iii) A third party;

4       “(B) The person was not in possession of any firearms at the time  
5 of the court’s order and continues to not possess any firearms; or

6       “(C) The person is asserting the person’s constitutional right  
7 against self-incrimination.

8       “(b) The person shall file with the declaration a copy of the proof  
9 of transfer, if applicable, and a copy of the third party declaration, if  
10 applicable.

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

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

17       “(5) A person in possession of a firearm in violation of a court order  
18 described in subsection (2)(a) of this section may not be prosecuted  
19 under ORS 166.250 or for contempt of court if:

20       “(a) The person is in possession of a copy of the court order, and  
21 the order went into effect or was issued within the previous 24 hours;

22       “(b) The firearm is unloaded; and

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

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

28       “(A) For a court order described in subsection (2)(a)(A) of this sec-  
29 tion, the court shall terminate the order upon a finding, by a prepon-  
30 derance of the evidence, that the person has completed a substance

1 use disorder assessment or screening, and any course of treatment  
2 recommended by the assessment or screening.

3 “(B) For a court order described in subsection (2)(a)(B) of this sec-  
4 tion, the court shall terminate the order upon a finding, by a prepon-  
5 derance of the evidence, that the person has abstained from using  
6 controlled substances for a period of one year.

7 “(b) The court may base a finding described in paragraph (a)(B) of  
8 this subsection on documentation from a health care professional or  
9 treatment counselor with personal knowledge of the person’s use of  
10 controlled substances.

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

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

15 “(A) A law enforcement agency shall return any stored firearms to  
16 the person in accordance with subsection (7) of this section.

17 “(B) A gun dealer shall return any stored firearms to the person  
18 after performing a criminal background check as defined in ORS  
19 166.432 to confirm that the person is not prohibited from possessing a  
20 firearm under state or federal law.

21 “(C) A third party shall return any stored firearms to the person  
22 only after requesting a criminal background check in accordance with  
23 ORS 166.435, except that the criminal background check exceptions in  
24 ORS 166.435 (4) do not apply.

25 “(7)(a) Upon receiving a request to return a firearm relinquished to  
26 a law enforcement agency pursuant to subsection (3) of this section,  
27 the law enforcement agency shall hold the firearm for 72 hours after  
28 receiving the request.

29 “(b) Prior to returning the firearm, the law enforcement agency  
30 shall:

1       “(A) Confirm that the person to whom the law enforcement agency  
2 will return the firearm is the lawful owner of the firearm, or a person  
3 with a possessory right to the firearm; and

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

7       “(8) As used in this section, ‘disqualifying drug offense’ means:

8       “(a) Unlawful possession of a controlled substance constituting a  
9 drug enforcement misdemeanor as described in section 35, chapter 70,  
10 Oregon Laws 2024; or

11       “(b) Unlawful possession of a controlled substance constituting a  
12 Class A misdemeanor under ORS 475.752 (7)(a) or (8), 475.814 (2)(b),  
13 475.824 (2)(b), 475.834 (2)(b), 475.854 (2)(b), 475.874 (2)(b), 475.884 (2)(b) or  
14 475.894 (2)(b).

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

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

24       “(2) District attorneys in this state are encouraged to divert for assess-  
25 ment, treatment and other services, in lieu of conviction, cases involving  
26 unlawful possession of a controlled substance constituting a drug enforce-  
27 ment misdemeanor under section 35 [*of this 2024 Act*], **chapter 70, Oregon**  
28 **Laws 2024.**

29       “(3) If a deflection program is established, the program coordinator shall  
30 be responsible for providing notification that a person has completed the

1 program to those entities responsible for sealing records under section 54  
2 [of this 2024 Act], **chapter 70, Oregon Laws 2024**, including but not limited  
3 to law enforcement agencies, district attorneys and courts.

4 “(4) If a deflection program is established in which a participant is  
5 able to enter and complete the program without making a court ap-  
6 pearance on a charge, the program must have a requirement that each  
7 participant, as a condition of participation, agree to not possess  
8 firearms for the duration of the program, and to lawfully transfer all  
9 firearms in the participant’s possession to a law enforcement agency,  
10 a gun dealer or a third party until the program is completed.

11 “[4)] (5) As used in this section, ‘deflection program’ has the meaning  
12 given that term in section 37 [of this 2024 Act], **chapter 70, Oregon Laws**  
13 **2024**.

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

16 “**Sec. 76.** (1) As used in this section, ‘deflection program’ means a  
17 collaborative program between law enforcement agencies and behavioral  
18 health entities that assists individuals who may have substance use disorder,  
19 another behavioral health disorder or co-occurring disorders, to create  
20 community-based pathways to treatment, recovery support services, housing,  
21 case management or other services.

22 “(2) The Oregon Behavioral Health Deflection Program is established  
23 within the Improving People’s Access to Community-based Treatment, Sup-  
24 ports and Services Grant Review Committee established under ORS 430.234.  
25 The program consists of grants awarded by the committee to counties and  
26 federally recognized tribal governments to fund deflection programs.

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

28 “(A) Address the need for more deflection programs to assist individuals  
29 whose behavioral health conditions, including substance use disorder, lead  
30 to interactions with law enforcement, incarceration, conviction and other

1 engagement with the criminal justice system.

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

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

7 “(4)(a) The committee shall develop a grant application process for  
8 awarding grants under this section.

9 “(b) An application for a grant under this section may be submitted by a  
10 county or the designee of a county, or by a tribal government or designee  
11 of a tribal government. Only one application per county may be submitted,  
12 but the application may request funding multiple programs within a county.

13 “(c) Prior to submitting an application for a grant under this section, the  
14 applicant shall coordinate with all partners of the development and admin-  
15 istration of the proposed deflection program to ensure that the partners have  
16 the resources necessary to implement the deflection program. The partners  
17 shall include at least a district attorney, a law enforcement agency, a com-  
18 munity mental health program established under ORS 430.620 and a provider  
19 from a Behavioral Health Resource Network established under ORS 430.389.  
20 Partners may also include a treatment provider, a local mental health au-  
21 thority, a tribal government, a peer support organization, a court or a local  
22 government body.

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

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

26 “(B) A description of the individuals who would be eligible for the pro-  
27 gram and what qualifies as a successful outcome, formulated in cooperation  
28 with the program partners described in paragraph (c) of this subsection;

29 “(C) A description of how the program for which the applicant is seeking  
30 funding is culturally and linguistically responsive, trauma-informed and

1 evidence-based;

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

5 “(E) A description of how the program coordinator will communicate with  
6 program partners concerning persons participating in the program and any  
7 other matter necessary for the administration of the program.

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

9 “(a) Must be coordinated by or in consultation with a community mental  
10 health program, a local mental health authority or a federally recognized  
11 tribal government;

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

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

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

17 “(C) Tracking and reporting data required by the Oregon Criminal Justice  
18 Commission under section 37 [*of this 2024 Act*], **chapter 70, Oregon Laws**  
19 **2024**;

20 “(c) Must involve the partners described in subsection (4)(c) of this sec-  
21 tion; [*and*]

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

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

24 “(B) A community provider;

25 “(C) A treatment provider;

26 “(D) A community-based organization;

27 “(E) A case management provider;

28 “(F) A recovery support services provider; or

29 “(G) Any other individual or entity deemed necessary by the program co-  
30 ordinator to carry out the purposes of the deflection program, including in-

dividuals 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.



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

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

5 **“SECTION 9.** ORS 166.250 is amended to read:

6 “166.250. (1) Except as otherwise provided in this section or ORS 166.260,  
7 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person com-  
8 mits the crime of unlawful possession of a firearm if the person knowingly:

9 “(a) Carries any firearm concealed upon the person;

10 “(b) Possesses a handgun that is concealed and readily accessible to the  
11 person within any vehicle;

12 “(c) Possesses a firearm and:

13 “(A) Is under 18 years of age;

14 “(B)(i) While a minor, was found to be within the jurisdiction of the ju-  
15 venile court for having committed an act which, if committed by an adult,  
16 would constitute a felony or a misdemeanor involving violence, as defined  
17 in ORS 166.470; and

18 “(ii) Was discharged from the jurisdiction of the juvenile court within  
19 four years prior to being charged under this section;

20 “(C) Has been convicted of a felony;

21 “(D) Was committed to the Oregon Health Authority under ORS 426.130;

22 “(E) Was found to be a person with mental illness and subject to an order  
23 under ORS 426.130 that the person be prohibited from purchasing or pos-  
24 sessing a firearm as a result of that mental illness;

25 “(F) Is presently subject to an order under ORS 426.133 prohibiting the  
26 person from purchasing or possessing a firearm;

27 “(G) Has been found guilty except for insanity under ORS 161.295 of a  
28 felony; or

29 “(H) The possession of the firearm by the person is prohibited under ORS  
30 166.255 **or section 6 (1) of this 2025 Act;** or

1 “(d) Possesses an unfinished frame or receiver and is prohibited from  
2 possessing firearms under paragraph (c) of this subsection.

3 “(2) This section does not prohibit:

4 “(a) A minor, who is not otherwise prohibited under subsection (1)(c) of  
5 this section, from possessing a firearm:

6 “(A) Other than a handgun, if the firearm was transferred to the minor  
7 by the minor’s parent or guardian or by another person with the consent of  
8 the minor’s parent or guardian; or

9 “(B) Temporarily for hunting, target practice or any other lawful purpose;  
10 or

11 “(b) Any citizen of the United States over the age of 18 years who resides  
12 in or is temporarily sojourning within this state, and who is not within the  
13 excepted classes prescribed by ORS 166.270 and subsection (1) of this section,  
14 from owning, possessing or keeping within the person’s place of residence  
15 or place of business any handgun, and no permit or license to purchase, own,  
16 possess or keep any such firearm at the person’s place of residence or place  
17 of business is required of any such citizen. As used in this subsection, ‘resi-  
18 dence’ includes a recreational vessel or recreational vehicle while used, for  
19 whatever period of time, as residential quarters.

20 “(3) Firearms carried openly in belt holsters are not concealed within the  
21 meaning of this section.

22 “(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, a  
23 handgun is readily accessible within the meaning of this section if the  
24 handgun is within the passenger compartment of the vehicle.

25 “(b) If a vehicle, other than a vehicle described in paragraph (c) of this  
26 subsection, has no storage location that is outside the passenger compart-  
27 ment of the vehicle, a handgun is not readily accessible within the meaning  
28 of this section if:

29 “(A) The handgun is stored in a closed and locked glove compartment,  
30 center console or other container; and

