

DRAFT

SUMMARY

Creates crime of unlawful storage of firearm.
Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.
Punishes second and subsequent convictions by maximum of five years' imprisonment, \$125,000 fine, or both.
Prohibits sale, delivery or transfer of firearm to person convicted of unlawful storage of firearm for five-year period after conviction.
Requires gun dealers to post notice concerning obligation to store firearms in safe manner.

A BILL FOR AN ACT

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

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

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

6 (a) **The person, with criminal negligence, stores or leaves a firearm**
7 **in a location where the person knows, or reasonably should know, that**
8 **a minor who is younger than 16 years of age is likely to gain access**
9 **to the firearm;**

10 (b) **A minor who is younger than 16 years of age gains access to the**
11 **firearm; and**

12 (c) **The minor:**

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

14 (B) **Exhibits the firearm in a careless, angry or threatening man-**
15 **ner; or**

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

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

18 (b) **Notwithstanding paragraph (a) of this subsection, unlawful**

1 storage of a firearm is a Class C felony if the defendant has at least
2 one prior conviction under this section.

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

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

6 (b) The minor obtains possession of the firearm:

7 (A) In a lawful act of self-defense or defense of another; or

8 (B) Through the illegal act of any person other than the person
9 referred to in subsection (1)(a) of this section;

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

12 (d) The firearm is stored in a securely locked container or in a lo-
13 cation that a reasonable person would believe to be secure;

14 (e) The firearm is rendered inoperable by the removal of an essen-
15 tial component of the firing mechanism; or

16 (f) The person is a peace officer or member of the military forces
17 of this state or the United States and the minor obtained the firearm
18 during, or incidental to, the performance of the person's duties.

19 (4) As used in this section:

20 (a) "Firearm" has the meaning given that term in ORS 166.210.

21 (b) "Public place" has the meaning given that term in ORS 161.015.

22 **SECTION 2.** A gun dealer shall post in a prominent location in the
23 gun dealer's place of business a notice in block letters not less than
24 one inch in height that states: "The purchaser of a firearm has an
25 obligation to store firearms in a safe manner and to prevent unsuper-
26 vised access to a firearm by a minor. If a minor obtains access to a
27 firearm and the owner failed to store the firearm in a safe manner,
28 the owner may be guilty of a crime."

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

30 166.470. (1) Unless relief has been granted under ORS 166.274, 18 U.S.C.
31 925(c) or the expunction laws of this state or an equivalent law of another

1 jurisdiction, a person may not intentionally sell, deliver or otherwise trans-
 2 fer any firearm when the transferor knows or reasonably should know that
 3 the recipient:

- 4 (a) Is under 18 years of age;
- 5 (b) Has been convicted of a felony or found guilty, except for insanity
 6 under ORS 161.295, of a felony;
- 7 (c) Has any outstanding felony warrants for arrest;
- 8 (d) Is free on any form of pretrial release for a felony;
- 9 (e) Was committed to the Department of Human Services under ORS
 10 426.130;

11 (f) After January 1, 1990, was found to be mentally ill and subject to an
 12 order under ORS 426.130 that the person be prohibited from purchasing or
 13 possessing a firearm as a result of that mental illness; [or]

14 **(g) Has been convicted of unlawful storage of a firearm under sec-**
 15 **tion 1 of this 2007 Act within the five years immediately preceding the**
 16 **date of the attempted sale, delivery or transfer; or**

17 [(g)] (h) Has been convicted of a misdemeanor involving violence or found
 18 guilty, except for insanity under ORS 161.295, of a misdemeanor involving
 19 violence within the previous four years. As used in this paragraph,
 20 "misdemeanor involving violence" means a misdemeanor described in ORS
 21 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b).

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

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

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

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

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

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