

D R A F T

SUMMARY

Adds justice court and municipal court to definition of “court facility” in which firearms and other weapons are prohibited except in specified circumstances. Expands definition of “weapon” to include certain kinds of pocketknives. Authorizes judges of justice courts and municipal courts to establish procedures permitting or prohibiting possession of firearms and other weapons in court facilities.

A BILL FOR AN ACT

1
2 Relating to possession of weapons in courts; amending ORS 166.360, 166.370
3 and 166.373.

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

5 **SECTION 1.** 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, **a justice court, a municipal court,**
15 the Court of Appeals, the Supreme Court or the Oregon Tax Court or occu-
16 pied by personnel related to the operations of those courts, or in which ac-
17 tivities related to the operations of those courts take place.

18 **(3) “Judge” means a judge of a circuit court, the Court of Appeals,**

1 **the Supreme Court, the Oregon Tax Court or a municipal court or a**
2 **justice of the peace.**

3 **(4) “Judicial district” means a circuit court district established un-**
4 **der ORS 3.012 or a justice of the peace district established under ORS**
5 **51.020.**

6 [(3)] **(5) “Loaded firearm” means:**

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

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

12 [(4)] **(6) “Public building” means a hospital, a capitol building, a public**
13 **or private school, as defined in ORS 339.315, a college or university, a city**
14 **hall or the residence of any state official elected by the state at large, and**
15 **the grounds adjacent to each such building. The term also includes that**
16 **portion of any other building occupied by an agency of the state or a mu-**
17 **nicipal corporation, as defined in ORS 297.405, other than a court facility.**

18 [(5)] **(7) “Weapon” means:**

19 (a) A firearm;

20 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar
21 instrument or a knife, other than an ordinary pocketknife **with a blade less**
22 **than 4 inches in length**, the use of which could inflict injury upon a person
23 or property;

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

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

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

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

31 (g) A dangerous or deadly weapon as those terms are defined in ORS

1 161.015.

2 **SECTION 2.** ORS 166.370 is amended to read:

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

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

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

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

15 (b) The presiding judge of a judicial district **or a municipal court** may
16 enter an order permitting the possession of specified weapons in a court fa-
17 cility.

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

19 (a) A sheriff, police officer, other duly appointed peace officers or a cor-
20 rections officer while acting within the scope of employment.

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

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

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

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

31 (f) An employee of the United States Department of Agriculture, acting

1 within the scope of employment, who possesses a firearm in the course of the
2 lawful taking of wildlife.

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

4 (A) Is possessed by a person who is not otherwise prohibited from pos-
5 sessed the firearm; and

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

7 (4) The exceptions listed in subsection (3)(b) to (g) of this section consti-
8 tute affirmative defenses to a charge of violating subsection (1) of this sec-
9 tion.

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

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

15 (A) As part of a program approved by a school in the school by an indi-
16 vidual who is participating in the program;

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

19 (C) By an employee of the United States Department of Agriculture, act-
20 ing within the scope of employment, in the course of the lawful taking of
21 wildlife.

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

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

27 (8) As used in this section, "dangerous weapon" means a dangerous
28 weapon as that term is defined in ORS 161.015.

29 **SECTION 3.** ORS 166.373 is amended to read:

30 166.373. (1) Notwithstanding ORS 166.370 (2) and except as provided in
31 subsection (2) of this section, a peace officer, as defined in ORS 161.015, or

1 a federal officer, as defined in ORS 133.005, may possess a weapon in a court
2 facility if the officer:

3 (a) Is acting in an official capacity and is officially on duty;

4 (b) Is carrying a weapon that the employing agency of the officer has
5 authorized the officer to carry; and

6 (c) Is in compliance with any security procedures established under sub-
7 sections (3) and (4) of this section.

8 (2) A judge may prohibit a peace officer or a federal officer from pos-
9 sessing a weapon in a courtroom. A notice of the prohibition of the pos-
10 session of a weapon by an officer in a courtroom must be posted outside the
11 entrance to the courtroom.

12 (3) A presiding judge of a judicial district **or a municipal court** or the
13 Chief Justice of the Supreme Court may establish procedures regulating the
14 possession of a weapon in a court facility by a peace officer or a federal of-
15 ficer subject to the following:

16 (a) **With the exception of procedures for a municipal court or a**
17 **justice court**, the procedures must be established through a plan for court
18 security improvement, emergency preparedness and business continuity under
19 ORS 1.177 or 1.180; and

20 (b) Notice of the procedures must be posted at the entrance to the court
21 facility, or at an entrance for peace officers or federal officers if the entrance
22 is separate from the entrance to the court facility, and at a security check-
23 point in the court facility.

24 (4) A judge may establish procedures regulating the possession of a
25 weapon in a courtroom by a peace officer or a federal officer. A notice of the
26 procedures regulating the possession of a weapon by an officer must be
27 posted outside the entrance to the courtroom.

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