

## ARTICLE I

### BILL OF RIGHTS – Section 27

“The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]”

#### Concealed Handgun Licensing

Prerequisites:

1. Citizen of the US or legal resident alien with at least 6 months continuous residency.
2. 21 or older.
3. Not a convicted felon.
4. Not convicted or found guilty of a misdemeanor.
5. No outstanding warrants for your arrest or free on any form of pretrial release.
6. Demonstrates competence with a handgun per ORS 166.291(f).

Application Form:

Application for License to Carry Concealed Handgun (issued at the county Sheriff's Department)

For complete details please refer to:

<http://www.oregon.gov/OSP/ID/chl.shtm>

#### Four Rules of Firearm Safety

- (1) All guns are always loaded (until you establish whether or not).
- (2) Never let the muzzle cover anything you are not willing to destroy. Keep your gun pointed in a safe direction at all times: on the range, at home, loading, or loading.
- (3) Keep your finger off the trigger until your sights are on the target (and you are ready to shoot).
- (4) Be sure of your target. Know what is, what is in line with it, and what is behind it. Never shoot at anything that you haven't positively identified.

Oregon is a traditional open carry state. However, their preemption statute only covers concealed handgun license holders from city or county passed bans against loaded firearms in public places. To our knowledge, only the cities of Portland, Beaverton, Tigard, Oregon City, Salem, and Independence have passed loaded firearms bans encompassing all public places, and other cities have passed bans specific to Parks. Also, all "public buildings" are also off limits throughout the entire state unless you have a concealed handgun license.

## Yes, Open Carry is Legal.

DISCLAIMER: All firearms laws and interpretations noted here are provided for your information and research. You are responsible to know and understand the laws before you carry a firearm. Please refer to the Oregon statutes or a lawyer if you need more information.

### Useful Resources

#### **Oregon Firearm Ordinances**

<http://www.leg.state.or.us/ors/166.html>

#### **Oregon Firearms Federation**

<http://oregonfirearms.org/>

#### **Handgun Law**

<http://www.handgunlaw.us/>

#### **OpenCarry – Oregon Forum**

<http://forum.opencarry.org/forums/forumdisplay.php?121-Oregon>

#### **Oregon Concealed Carry Forum**

<http://www.oregonconcealedcarry.com/>

#### **Oregon Constitution – Article 1**

<http://www.leg.state.or.us/orcons/orcons.html>

Remember, police officers are people too and many don't know or understand your right to open carry in this state. Be educated yourself and if you are ever speaking with one of them please do not argue with or resist the police but rather take the opportunity to be a good ambassador and politely educate them; maybe even share one of these pamphlets with them.

#### Open Car Carry

An Oregon Appeals Court decision has found that your car is now considered a "public place." The ruling means that possessing a loaded firearm in a vehicle may be considered a crime if the locality in which you are traveling has a ban on open loaded carry.

# Oregon Gun Rights



“To preserve liberty, it is essential that the whole body of people always possess arms, and be taught alike, especially when young, how to use them...”

— Richard Henry Lee, 1787

[www.OpenCarry.org](http://www.OpenCarry.org)

“A right unexercised is a right lost”

## Selected Oregon Statutes Pertaining to Firearms

**166.262 Limitation on peace officer's authority to arrest for violating ORS 166.250 or 166.370.** A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person's immediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292. [1999 c.1040 §5]

### **166.170 State preemption.**

(1) Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.

(2) Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. Ordinances that are contrary to this subsection are void. [1995 s.s. c.1 §1]

### **166.370 Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.**

(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) Omitted due to space restrictions
- (b) Omitted due to space restrictions
- (c) Omitted due to space restrictions
- (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.
- (e) Omitted due to space restrictions
- (f) Omitted due to space restrictions

(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.

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

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

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

(A) As part of a program approved by a school in the school by an individual who is participating in the program; or

(B) By a law enforcement officer acting in the officer's official capacity.

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

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

166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015.

(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

- (a) Omitted due to space restrictions
- (b) Omitted due to space restrictions
- (c) A person licensed to carry a concealed handgun.
- (d) Omitted due to space restrictions

### **166.380 Examination of firearm by peace officer; arrest for failure to allow examination.**

(1) A peace officer may examine a firearm possessed by anyone on the person while in or on a public building to determine whether the firearm is a loaded firearm.

(2) Refusal by a person to allow the examination authorized by subsection (1) of this section constitutes reason to believe that the person has committed a crime and the peace officer may make an arrest pursuant to ORS 133.310.

### **City Regulations**

The Oregon legislature has allowed cities to regulated loaded carry of firearms *by persons who do not have a CHL*. The following cities have enacted such ordinances:

**Astoria** - 5.010(A) No carry in park, loaded or not

**Beaverton** - 5.08.240 Unlawful Carrying of a Loaded Firearm.

**Bend** - Parks 5.320 Violations.

**Corvallis** - Transit system code of conduct III.7 No firearms w/out CHL – no unloaded provision.

**Dallas** - 5.100/5.104 Loaded w/out CHL prohibited in city parks – does NOT state magazines/clips/speed loaders not attached must be empty.

### **City regulations cont'd.**

**Independence** - 9.24.1 (B) No loaded or unloaded carry in parks w/out CHL.

**Newport** - 8.20.005 Loaded carry w/out CHL prohibited.

**Oregon City** –

9.24.020 (A) No loaded or unloaded carry in parks w/out CHL

9.24.020 (B) No loaded carry w/out CHL

9.24.020 (E) Must allow officer to examine weapon on person or in vehicle - No CHL exception to this provision.

**Salem** - 95.095 LOADED FIREARMS.

**Tigard** - 7.32.125 Carrying Loaded Firearms.

**City of Portland** - 14A.60.010 Possession of a Loaded Firearm in a Public Place.

**A.** It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.

**B.** It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.

**C.** The following are exceptions and constitute affirmative defenses to a violation of this Section:

3. A person licensed to carry a concealed handgun.

**D.** It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a police officer to inspect that firearm after the police officer has identified him or herself as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.

### **Off-limits to licensed and non-licensed carry:**

-Courthouses and Federal Buildings, as per ORS

166.370 and Title 18 § 930

-Airports beyond Security Checkpoints

-Post Office

### **Off-limits to non-licensed persons:**

-Public Schools

-Public buildings

Hospital, Capitol building, College/

University, City Hall, etc

National website and discussion forum dedicated to promoting lawful open carrying of firearms

[www.OpenCarry.org](http://www.OpenCarry.org)

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