Chapter 166

1965 REPLACEMENT PART

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DUELING, RIOTING AND VAGRANCY

166.010 Dueling or challenging another to duel. Any person who engages in a duel with a deadly weapon, although no killing ensues, or who challenges another to fight a duel with a deadly weapon, or who sends or delivers any verbal or written message purporting or intending to be such challenge, although no duel ensues, shall be punished upon conviction by imprisonment in the penitentiary for not more than 10 years.

166.020 Accepting or carrying challenge; aiding in duel. Any person who accepts a challenge to fight a duel with a deadly weapon, or who knowingly carries or delivers any such challenge or message, although no duel ensues, or who is present at the fighting of such a duel as an aid, second or surgeon, or who advises, encourages, or promotes such duel, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.030 Using contemptuous language concerning another who refused to duel. Any person who in any manner posts another, or in writing or print uses any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, shall be punished upon conviction by imprisonment in the penitentiary for not more than two years.

166.040 Riot and unlawful assembly defined. (1) Any use of force or violence, or threat to use force or violence, if accompanied by immediate power of execution, by three or more persons acting together, and without authority of law, is riot.

(2) When three or more persons assemble with intent, or with means and preparation to do an unlawful act, which would be riot if actually committed, but do not act towards the commission thereof; or assemble without authority of law and in a manner adapted to disturb the public peace or excite public alarm; or assemble disguised in a manner adapted to prevent them from being identified, it is an unlawful assembly.

166.050 Punishment for participating in riot. Any person participating in any riot shall be punished upon conviction as follows:

(1) In the same manner as a principal in the crime, if a felony or misdemeanor is committed in the course of the riot.

(2) By imprisonment in the penitentiary for not more than 15 years, if he carried, at the time of the riot, any species of dangerous weapon, or was disguised, or encouraged or solicited other persons, who participated in the riots, to acts of force or violence.

(3) By imprisonment in the county jail for not less than three months nor more than one year, or by a fine of not less than $50 nor more than $500, in all other cases.

166.060 Vagrancy. (1) The following described persons are guilty of vagrancy and shall be punished upon conviction by imprisonment in the county jail for a period not exceeding six months, or by a fine of not more than $100, or both:

(a) Every person without visible means of living, who has the physical ability to work, and who does not for the space of 10 days seek employment, nor labor when employment is offered him.

(b) Every beggar who solicits alms as a business.

(c) Every idle or dissolute person, or associate of known thieves, who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, car or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.

(d) Every common prostitute.

(e) Any person who is not enrolled as a student or who is not employed by the public or private school and who, without a lawful purpose therefor, wilfully loiters about any public or private school building or the public premises adjacent thereto.

(f) Any person who conducts himself in a violent, riotous or disorderly manner, or who uses abusive, obscene or profane language in a public place or upon any public highway, or in a house or place whereby the peace or quiet of the neighborhood or vicinity may be disturbed.

(2) Circuit, district and justice courts have concurrent jurisdiction over actions brought under this section.

[Amended by 1959 c.436 §1; 1961 c.503 §1]

166.070 to 166.100 [Reserved for expansion]

DISTURBING PEACE

166.110 Riding or driving animals recklessly. (1) Any person who, in any unincorporated town or village in the state, wilfully

rides or drives any horse, mule, or any other animal upon any sidewalk therein, or wilfully drives or rides any horse, mule or other animal through the streets thereof at a greater speed than six miles per hour, to the disturbance or annoyance of any person, shall be punished upon conviction by a fine of not more than $50.

(2) Justices of the peace shall have jurisdiction over all offenses described in this section committed within their respective counties. All fines collected under the provisions of this section shall be paid into the county treasury of the county in which the offense is committed, for the use and benefit of the county school fund of such county.
[Amended by 1961 c.503 §2]

166.120 Disturbing religious meeting. Any person who wilfully disturbs, interrupts or disquiets any assembly or congregation of people met for religious worship in a house or the open air, by uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise within the place where the meeting is held or so near the meeting as to disturb its order and solemnity, or by exposing for sale or gift any intoxicating liquors or drinks within two miles of the place where any such assembly or congregration is actually convened for religious worship, and in a place not duly licensed therefor, and in which such person has not usually resided and carried on such business, shall be punished upon conviction by imprisonment in the county jail for not less than one month nor more than six months, or by a fine of not less than $10 nor more than $200.

166.130 Disturbing public meeting or assembly. Any person who wilfully disturbs or breaks up any public meeting or assembly of people other than those mentioned in ORS 166.120, lawfully met together for a lawful purpose, in a house or the open air, shall be punished upon conviction by imprisonment in the county jail for not less than one month nor more than three months, or by a fine of not less than $10 nor more than $100.

166.140 Use of stink bombs. (1) Any person who places, throws, uncorks, opens, breaks or who maliciously attempts to place, throw, uncork, open or break any stink bomb in any theatre, place of amusement, building, hall or room in which a public gathering is being held, or in any place of business, shall be punished upon conviction by a fine of not less than $25 nor more than $1,000, or by imprisonment in the penitentiary for a period of not more than two years, or both.

(2) For the purpose of subsection (1) of this section, a stink bomb includes any bottle, glass, tube, capsule, light bulb, hose or metal substance, or any other article or device containing a chemical or substance of an offensive or noxious odor used or intended to be used for the purpose of creating a riot or disturbance in any theatre, place of amusement, building, hall or room in which a public gathering is being held at the time, or in a place of business, or for the purpose of intimidating the owner of such gathering or business place.

(3) Subsection (1) of this section shall not apply to peace officers in the performance of their duties.

166.150 Permitting vicious animals to be at large. Any person who, being the owner or having the control of any dangerous or vicious animal and knowing such animal to be dangerous or vicious, wilfully or negligently permits the animal to be at large in any neighborhood or on any public highway, shall be punished upon conviction by a fine of not less than $10 nor more than $50.

166.160 Intoxicated while in public place. Any person who enters or is found in a state of intoxication upon any railway engine, railway car, railway train, aircraft, boat, landing wharf or depot of any common carrier, or on any highway or street, or in any public place or building, or any person who creates, while in a state of intoxication, any disturbance of the public in any private business or place, shall be punished upon conviction by a fine of not less than $5 nor more than $100, or by imprisonment in the county jail for a period not exceeding 50 days, or both.

166.170 to 166.200 [Reserved for expansion]

POSSESSING OR USING FIREARMS

166.210 Definitions for ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470. As used in ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470:

(1) "Pistol," "revolver" and "firearms capable of being concealed upon the person,"

apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.220 Attempting to use dangerous weapon; carrying dangerous weapon with intent to use it. (1) Any person who attempts to use, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any loaded pistol, revolver or other firearm, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sandclub, sandbag, metal knuckles, bomb or bombshell, or any other dangerous or deadly weapon or instrument, is guilty of a felony, and upon conviction shall be punished by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not less than one month nor more than six months, or by imprisonment in the penitentiary for not exceeding five years.

(2) The carrying or possession of any of the weapons specified in subsection (1) of this section by any person while committing, or attempting or threatening to commit a felony or a breach of the peace or any act of violence against the person or property of another is presumptive evidence of carrying such weapon with intent to use the same in violation of subsection (1) of this section.

(3) A justice court has concurrent jurisdiction with the circuit court of any offense defined in subsection (1) of this section where the penalty does not exceed a fine of $500 or imprisonment in the county jail for not more than six months, or both.

(4) For the purpose of subsection (1) of this section, any knife with a blade longer than three and one-half inches when carried concealed upon the person, is a dangerous weapon.

166.230 Committing or attempting to commit felony while armed; subsequent convictions; presumption. (1) Any person who commits or attempts to commit any felony within this state while armed with any pistol, revolver, machine gun or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, upon conviction of the felony or of an attempt to commit the felony, shall, in addition to the punishment prescribed for the crime of which he has been convicted, be punished by imprisonment in the penitentiary for not more than 10 years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence.

(2) Upon a second conviction under like circumstances the additional period of imprisonment shall be for not more than 15 years, and upon a third conviction under like circumstances the additional period of imprisonment shall be for not more than 25 years; such terms of additional imprisonment to run consecutively. Upon a fourth conviction under like circumstances the person so convicted may be imprisoned for life.

(3) In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any pistol, revolver, machine gun or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, the fact that he was so armed is prima facie evidence of his attempt to commit such felony.

(4) In no case shall any person punishable under this section, ORS 166.270 and 166.410 be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

166.240 Carrying of concealed weapons. (1) Any person who carries concealed about his person in any manner, any revolver, pistol, or other firearm, any knife, other than an ordinary pocketknife, or any dirk, dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be punished upon conviction by a fine of not less than $10 nor more than $200, or by imprisonment in the county jail not less than five days nor more than 100 days, or both.

(2) Nothing in subsection (1) of this section applies to any sheriff, constable, police or other peace officer, whose duty it is to serve process or make arrests. Justices of the peace have concurrent jurisdiction to try any person charged with violating any of the provisions of subsection (1) of this section.

166.250 Unlawful possession of weapons. (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

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

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270 Aliens and convicts forbidden to possess arms. Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.275 Possession of weapons by inmates of penal institutions. Any person committed to any penal institution who, while under the jurisdiction of any penal institution or while being conveyed to or from any penal institution, possesses or carries upon his person, or has under his custody or control any dangerous instrument, or any weapon including but not limited to any blackjack, sling-shot, billy, sand club, metal knuckles, explosive substance, dirk, dagger, sharp instrument, pistol, revolver or other firearm without lawful authority, is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not more than 20 years.
[1953 c.533 §1]

166.280 Seizure and destruction of concealed weapons. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any machine gun, pistol, revolver or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are nuisances, and shall be surrendered to the magistrate before whom the person is taken, except that in any city, county, town or other municipal corporation the weapons shall be surrendered to the head

of the police force or police department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record or of the district attorney of the county that their preservation is necessary or proper to the ends of justice, shall annually, between July 1 and 10, destroy the weapons to such extent that they are wholly and entirely ineffective and useless for the purpose for which they were manufactured. In the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to its lawful owner as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership. Upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

166.290 Issuance of license to carry concealed weapons. (1) The sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of any city, county, town, or other municipal corporation of this state, upon proof before said person or board, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, have authority to issue to such person a license to carry concealed a pistol, revolver or other firearm for a period of one year from the date of the license, upon payment of a fee of 50 cents, and a like fee upon any renewal thereof. The fees shall be turned over to the treasurer of such city, county, town or other municipal corporation and credited to the general fund thereof.

(2) All applications for licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant; his age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. Any license issued upon the application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. The applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

166.300 Killing another as cause for loss of right to bear arms. (1) Any person who has committed, with firearms of any kind or description, murder in any degree, or manslaughter, either voluntary or involuntary, or who in a careless or reckless manner, kills or injures another with firearms, and who, at any time after committing murder or manslaughter or after said careless or reckless killing or injury of another, carries or bears firearms of any kind or description within this state, shall be punished upon conviction by a fine of not more than $500, or by imprisonment in the county jail not to exceed one year, or both.

(2) Subsection (1) of this section does not deprive the people of this state of the right to bear arms for the defense of themselves and the state, and does not apply to any peace officer in the discharge of his official duties or to a member of any regularly constituted military organization while on duty with such military organization.

(3) Justices of the peace, district courts, county courts and all other courts having jurisdiction as justices of the peace, shall have concurrent jurisdiction with the circuit courts of all prosecutions under subsection (1) of this section.

166.310 Concealed weapon found on arrested person; information to be filed. Whenever any person is arrested and it is discovered that he possesses or carries or has possessed or carried upon his person any loaded pistol, revolver or other firearm, or any weapon named or enumerated in ORS 166.220, in violation of ORS 166.220, 166.510 or 166.520, the person making the arrest shall forthwith lay an information for a violation of the section against the person arrested, before the nearest or most accessible magistrate having jurisdiction of the offense, and the magistrate must entertain and examine the information and act thereon in the manner prescribed by law.

166.320 Setting spring-gun or set-gun. (1) Any person who places or sets any loaded spring-gun, set-gun, or any gun, firearm or other device of any kind designed for containing or firing explosives, in any place where it may be fired, exploded or discharged by the contact of any person or

animal with any string, wire, rod, stick, spring or other contrivance affixed to or connected with it, or with its trigger, shall be punished upon conviction by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(2) Subsection (1) of this section does not apply to any loaded spring-gun, set-gun, firearm or other device placed for the purpose of destroying gophers, moles or other burrowing rodents, and does not prevent the use of a coyote getter by employes of county, state or federal governments engaged in cooperative predatory animal control work.

166.330 Use of firearms with other than incombustible gun wadding. Any person who uses in any firearms discharged on lands within this state, not his own, anything other than incombustible gun wadding, shall be punished upon conviction by a fine of not less than $5 nor more than $100, or by imprisonment in the county jail for not less than two days nor more than 60 days.

166.340 Use of firearms within Devils Lake area. (1) It is unlawful for any person to fire or discharge any weapon which acts by force of explosive within the Devils Lake area, situated in Lincoln County, west of the center line of East Devils Lake Road and east of the center line of the Oregon Coast Highway from their intersection north of Devils Lake to their intersection south of the lake.

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

(a) A person acting in defense or protection of his property or an individual.

(b) A peace officer acting in the course of duty.

(3) Violation of this section is punishable, upon conviction, by a fine of not less than $25 nor more than $300.

[1965 c.20 §§2, 3]

166.350 to 166.400 [Reserved for expansion]

SALE OR TRANSFER OF FIREARMS

166.410 Manufacture, importation, sale, gift, loan or possession of firearms. Any person who manufactures or causes to be manufactured within this state, or who imports into this state, or keeps, offers, exposes for sale, gives, lends or possesses a pistol, revolver or machine gun, otherwise than in accordance with ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.420 to 166.470, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained. (1) Except as provided in subsection (5) of this section every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether he is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered the time, date and place of sale, the name of the salesman making the sale, the make, model, manufacturer's number, caliber or other marks of identification on the pistol, revolver or other firearm. The register shall be prepared by and obtained from the State Printer in the form provided in subsection (6) of this section, and shall be furnished by the State Printer to the dealer on application at a cost of $3 per 100 leaves, in duplicate.

(2) The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor.

(3) The duplicate sheet of the register shall, on the evening of the day of sale, be placed in the mail, postage prepaid, and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, county, town or other municipal corporation wherein the sale was made. If the sale is made in a district where there is no municipal police department, the duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made.

(4) Violation of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor.

(5) This section does not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, county, town

or municipal corporation wherein they are situated.

(6) The register provided for in this section shall be substantially in the following form:

Series No.....
Sheet No.....

ORIGINAL

(DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL)

State of Oregon

Notice to Dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by..... Salesman.....
City, town or township .....
Description of arm (state whether revolver or pistol) .....
Maker..... Number..... Caliber.....
Name of purchaser.....Age.....years
Permanent address (state name of city, town or township, street and number of dwelling).....
.....
Height..... feet..... inches. Occupation.....
Color..... Skin..... Eyes..... Hair.....
If traveling, or in locality temporarily, give local address .....
.....
Signature of purchaser.....

(Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)

Witness.....Salesman.

(To be signed in duplicate.)

Series No.....
Sheet No.....

DUPLICATE

(DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL)

State of Oregon

Notice to Dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by..... Salesman.....
City, town or township .....
Description of arm (state whether revolver or pistol) .....
Maker..... Number..... Caliber.....
Name of purchaser.....Age.....years
Permanent address (state name of city, town or township, street and number of dwelling).....
.....
Height..... feet..... inches. Occupation.....
Color..... Skin..... Eyes..... Hair.....
If traveling, or in locality temporarily, give local address .....
.....
Signature of purchaser.....

(Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)

Witness.....Salesman.

(To be signed in duplicate.)

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.450 Obliteration or change of identification marks on firearms. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same has been changed, altered, removed or obliterated, is presumptive evidence that the possessor has changed, altered, removed or obliterated the same.

166.460 Antique firearms excepted. ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do

not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490 to 166.500 [Reserved for expansion]

SLUGGING AND STABBING WEAPONS

166.510 Manufacturing, selling, carrying or possessing slugging or stabbing weapons. (1) Except as provided in ORS 166.520, any person who manufactures, causes to be manufactured, sells, keeps for sale, offers, gives, loans, carries or possesses an instrument or weapon having a blade which projects or swings into position by force of a spring or other device and commonly known as a switch-blade knife or an instrument or weapon commonly known as a blackjack, slung shot, billy, sandclub, sandbag or metal knuckles, or who carries a dirk, dagger or stiletto shall be punished:

(a) Upon conviction, by a fine of not more than $100, or by imprisonment in the county jail for a term no longer than 30 days, or both.

(b) Upon a second conviction, by a fine of not more than $200, or by imprisonment in a county jail for not less than three months, or both.

(c) Upon a third or subsequent conviction, by a fine of not more than $500 or by imprisonment in a county jail for not more than six months or in the penitentiary for not more than two years.

(2) District and justice courts shall have concurrent jurisdiction with the circuit courts of any offense defined in this section where the penalty therefor does not exceed the limitations set out in ORS 46.040 and 51.050, respectively.

[Amended by 1957 c.290 §1]

166.520 Persons permitted to carry blackjacks. Sheriffs and their deputies, constables, marshals, police officers or any other duly appointed peace officers, or persons summoned by such officers to assist in making arrests or preserving the peace, while engaged in assisting such officers, are not prohibited from carrying or possessing an instrument or weapon commonly known as a blackjack or billy.

166.530 to 166.550 [Reserved for expansion]

DISCARDED CONTAINERS

166.560 Abandoning refrigerators in places accessible to children. It is unlawful to maintain or leave in a place accessible to children any discarded ice box, refrigerator or similar container with a door or lid attached that cannot be opened with ease from the inside. Violation of this section is a misdemeanor.

[1965 c.118 §1]

166.570 to 166.600 [Reserved for expansion]

CRIMES INVOLVING COMMON CARRIERS AND PUBLIC WAYS

166.610 Obstruction of highway by herder. Any person driving or herding, or causing to be driven or herded, cattle, horses, sheep or any kind of livestock along or near a public highway, and causing the highway to be obstructed thereby with stones, earth, or other debris, and leaving

the same to so remain for more than 24 hours, shall be fined upon conviction in any sum not exceeding $200. Justices of the peace of the county where the offense is committed shall have original jurisdiction of all violations of this section.

166.620 [Repealed by 1963 c.94 §2]

166.630 Throwing debris and discharging firearms on highway or railroad right of way. Any person who throws, deposits or leaves any glass bottles, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any road, street or highway of this state, or who discharges any bow and arrow, air rifle, rifle, gun, revolver or other firearm upon or across any highway or railroad right of way, except such as have been abandoned for use by railroad traffic, in this state, shall be punished the same as provided in subsection (1) of ORS 483.990. This section does not prevent the discharge of firearms by peace officers in the performance of their duty.
[Amended by 1963 c.94 §1]

166.640 Tampering with railroad property. Any person who wilfully or maliciously places any obstruction on any railroad track or roadbed, or streetcar track, in this state, or who without the right so to do, loosens, tears up, removes or misplaces any rail, switch, frog, guard rail, cattle guard, or any part of the railroad track, roadbed, streetcar track, railroad block signal, crossing bell or crossing gate, or who in any manner so as to endanger the safety of any train or engine or so as to endanger the security of or injure any passenger or person riding thereon, tampers with or molests any such road, roadbed, track, block signal, crossing bell, crossing gate, signal flag or signal torpedo, shall be punished upon conviction by imprisonment in the penitentiary for not exceeding 10 years, or by imprisonment in the county jail for not exceeding one year.

166.650 Making or disposing of keys to property of common carrier. Any person who, by himself or another, without the written order and consent of the common carrier, makes, simulates, imitates, sells or disposes of any key belonging to or which might be used to open or unlock any switchlock, carlock, or locks used upon or belonging to any switch or car owned, controlled or operated by any common carrier in this state, shall be punished upon conviction by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail not less than 30 days nor more than one year.

166.660 to 166.700 [Reserved for expansion]

EMERGENCY TELEPHONE CALLS

166.710 Relinquishing telephone to permit emergency call. (1) Every person shall relinquish a telephone party line or a public pay telephone after he has been informed that the party line or telephone is needed to place an emergency call to a fire department or police department, or for emergency medical aid or ambulance service. This subsection does not apply to persons using a telephone party line or pay telephone for such an emergency call.

(2) No person shall request another to relinquish a telephone party line or pay telephone to place an emergency call to a fire department or police department, or for emergency medical aid or ambulance service knowing that no such emergency exists.

(3) Every telephone directory published after August 20, 1957, and which is distributed to the members of the general public in this state shall contain in a prominent place a notice which explains the offenses provided in this section.

(4) As used in this section, "emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(5) Violation of subsection (1), (2) or (3) of this section is a misdemeanor.
[1957 c.601 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel