

Chapter 166

1977 REPLACEMENT PART

Offenses Against Public Order; Firearms and Other Weapons

RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

- 166.005 Treason
- 166.015 Riot
- 166.025 Disorderly conduct
- 166.045 Loitering
- 166.065 Harassment
- 166.075 Abuse of venerated objects
- 166.085 Abuse of corpse
- 166.095 Misconduct with emergency telephone calls

POSSESSION AND USE OF FIREARMS

- 166.180 Negligently wounding another
- 166.190 Pointing firearm at another; courts having jurisdiction over offense
- 166.210 Definitions for ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470
- 166.220 Attempting to use dangerous weapon; carrying dangerous weapon with intent to use it
- 166.230 Committing or attempting to commit felony while armed; subsequent convictions; presumption
- 166.240 Carrying of concealed weapons
- 166.250 Unlawful possession of weapons
- 166.260 Persons not affected by ORS 166.250
- 166.270 Certain exconvicts forbidden to possess arms
- 166.275 Possession of weapons by inmates of penal institutions
- 166.280 Seizure and destruction of concealed weapons
- 166.290 Issuance of license to carry weapon concealed; fees; liability
- 166.300 Killing another as cause for loss of right to bear arms
- 166.310 Concealed weapon found on arrested person; information to be filed
- 166.320 Setting springgun or setgun
- 166.330 Use of firearms with other than incombustible gun wadding
- 166.340 Use of firearms within Devils Lake and Bend areas

POSSESSION OF DESTRUCTIVE DEVICE OR LOADED FIREARM IN PUBLIC BUILDING

- 166.360 Definitions for ORS 166.360 to 166.380
- 166.370 Possession of destructive device or loaded firearm prohibited; exceptions
- 166.380 Examination of device or firearm by peace officer; arrest for failure to allow examination

SALE OR TRANSFER OF FIREARMS

- 166.410 Manufacture, importation, sale, gift, loan or possession of firearms
- 166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained
- 166.430 Licenses to sell at retail
- 166.440 Unlicensed persons selling or advertising for sale concealable firearms
- 166.450 Obliteration or change of identification marks on firearms
- 166.460 Antique firearms excepted
- 166.470 Limitations and conditions for sales of concealable firearms
- 166.480 Sale or gift of explosives and firearms to children
- 166.490 Purchase of firearms in certain other states

SLUGGING AND STABBING WEAPONS

- 166.510 Manufacturing, selling, carrying or possessing slugging or stabbing weapons
- 166.515 Application of ORS 166.510 to sap glove manufacturers
- 166.520 Persons permitted to carry blackjacks

MISCELLANEOUS

- 166.630 Discharging weapon on or across highway or ocean shore recreation area
- 166.635 Discharging weapons or throwing objects at trains
- 166.645 Hunting in cemeteries prohibited

CROSS REFERENCES

Criminal Code, definitions, 161.015, 161.085
 Criminal offenses, classification, 161 505 to 161 585
 Fire bombs, 480.070

166.005
 Bail for treason, Const. Art. V, §14
 Definition of treason, Const. Art. I, §24

166.015
 Declaration of martial law, Const. Art. V, §9, 399.065

166.095 Other offenses involving communications, 165 505 to 165 540	166.420 Pawnbroker may charge fee for pledge of firearm, 726 395
166.220 Right to bear arms, Const. Art. I §27, 23 200	166.480 Regulation of manufacture, sale, possession and transfer of explosives, 480.200 to 480.275 Use of firecrackers unlawful, 480.120, 480 170
166.230 Judicial probation or suspension of sentence, 137 010	166.630 Removing barricade from highway, 368 270
166.360 Regulation of the manufacture, sale, possession and transfer of explosives, 480 200 to 480 275	166.635 Definitions, 161 015, 161 085
166.410 Sale of blasting powder, 480.040 Transporting explosives in car or vehicle, 480 050, 480.060	

**RIOT, DISORDERLY
CONDUCT AND RELATED
OFFENSES**

166.005 Treason. (1) A person commits the crime of treason if he levies war against the State of Oregon or adheres to its enemies, giving them aid and comfort.

(2) No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or upon confession in open court.

(3) A person convicted of treason shall be punished by imprisonment for life.

[1971 c 743 §217]

166.010 [Repealed by 1971 c 743 §432]

166.015 Riot. (1) A person commits the crime of riot if while participating with five or more other persons he engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm.

(2) Riot is a Class C felony.

[1971 c 743 §218]

166.020 [Repealed by 1971 c 743 §432]

166.025 Disorderly conduct. (1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(a) Engages in fighting or in violent, tumultuous or threatening behavior; or

(b) Makes unreasonable noise; or

(c) Uses abusive or obscene language, or makes an obscene gesture, in a public place; or

(d) Disturbs any lawful assembly of persons without lawful authority; or

(e) Obstructs vehicular or pedestrian traffic on a public way; or

(f) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

(g) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or

(h) Created a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

(2) Disorderly conduct is a Class B misdemeanor.

[1971 c 743 §220]

166.030 [Repealed by 1971 c 743 §432]

166.035 [1971 c 743 §221, repealed by 1975 c 715 §2]

166.040 [Repealed by 1971 c 743 §432]

166.045 Loitering. (1) A person commits the crime of loitering if he:

(a) Loiters in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student, or, upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there; or

(b) Loiters or prowls in a public place without apparent reason and under circumstances which warrant justifiable alarm for the safety of persons or property in the vicinity, and, upon inquiry by a peace officer, refuses to identify himself and give a reasonably credible account of his presence and purposes.

(2) Loitering is a Class C misdemeanor.

[1971 c 743 §222]

166.050 [Repealed by 1971 c 743 §432]

166.060 [Amended by 1959 c 436 §1, 1961 c 503 §1; repealed by 1971 c 743 §432]

166.065 Harassment. (1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he:

(a) Subjects another to offensive physical contact; or

(b) Publicly insults another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response; or

(c) Communicates with a person, anonymously or otherwise, by telephone, mail or other form of written communication, in a manner likely to cause annoyance or alarm; or

(d) Engages in a course of conduct that alarms or seriously annoys another person and which serves no legitimate purpose.

(2) Harassment is a Class B misdemeanor.

[1971 c 743 §223]

166.075 Abuse of venerated objects. (1) A person commits the crime of abuse of venerated objects if he intentionally abuses a public monument or structure, a place of worship or burial, or the national or state flag.

(2) As used in this section and ORS 166.085, "abuse" means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.

(3) Abuse of venerated objects is a Class C misdemeanor.

[1971 c 743 §224]

166.085 Abuse of corpse. (1) A person commits the crime of abuse of corpse if, except as otherwise authorized by law, he intentionally:

(a) Abuses a corpse; or

(b) Disinters, removes or carries away a corpse.

(2) Abuse of corpse is a Class C misdemeanor.

[1971 c. 743 §225]

166.095 Misconduct with emergency telephone calls. (1) A person commits the crime of misconduct with emergency telephone calls if:

(a) He intentionally refuses to relinquish immediately a party line or public pay telephone after being informed that it is needed for an emergency call; or

(b) He requests another to relinquish a party line or public pay telephone to place an emergency call with knowledge that no such emergency exists.

(2) As used in this section:

(a) "Party line" means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

(b) "Emergency call" means a telephone call to a police or fire department, or for medical aid or ambulance service, necessitated by a situation in which human life or property is in jeopardy and prompt summoning of aid is essential.

(3) Every telephone directory published after January 1, 1972, which is distributed to members of the general public in this state shall contain in a prominent place a notice of the offense punishable by this section.

(4) Misconduct with emergency telephone calls is a Class B misdemeanor.

[1971 c. 743 §288]

166.110 [Amended by 1961 c. 503 §2, repealed by 1971 c. 743 §432]

166.120 [Repealed by 1971 c. 743 §432]

166.130 [Repealed by 1971 c. 743 §432]

166.140 [Repealed by 1971 c. 743 §432]

166.150 [Repealed by 1971 c. 743 §432]

166.160 [Repealed by 1971 c. 743 §432]

POSSESSION AND USE OF FIREARMS

166.180 Negligently wounding another. Any person who, as a result of his failure to use ordinary care under the circumstances, wounds any other person with a bullet or shot from any firearm, or with an arrow from any bow, shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine not to exceed \$500, or both. In addition, any person so convicted shall forfeit any license to hunt, obtained under the laws of this state, and shall be ineligible to obtain a license to hunt for a period of 10 years following the date of his conviction.

[Formerly 163 310]

Note: 166 180 to 166 340 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Criminal Code of 1971 by legislative action See the Preface to Oregon Revised Statutes for further explanation

166.190 Pointing firearm at another; courts having jurisdiction over offense.

Any person over the age of 12 years who, with or without malice, purposely points or aims any loaded or empty pistol, gun, revolver or other firearm, at or toward any other person within range of the firearm, except in self-defense, shall be fined upon conviction in any sum not less than \$10 nor more than \$500, or be imprisoned in the county jail not less than 10 days nor more than six months, or both. Justices of the peace and district courts have jurisdiction concurrent with the circuit court of the trial of violations of this section. When any person is charged before a justice of the peace with violation of this section, the court shall, upon motion of the district attorney, at any time before trial, act as a committing magistrate, and if probable cause be established, hold such person to the grand jury.

[Formerly 163 320]

Note: See note under 166 180

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) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

(2) "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.

(3) "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.

[Amended by 1977 c 769 §1]

Note: See note under 166 180

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, nunchaku sticks, bomb or bombshell, or any other dangerous or deadly weapon or instrument, commits a Class C felony.

(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) 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.

[Amended by 1975 c 700 §1]

Note: See note under 166.180

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.

Note: See note under 166 180

166.240 Carrying of concealed weapons. (1) Except as provided in ORS 166.260, 166.290 and subsection (2) of this section, 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.

[Amended by 1977 c 454 §1]

Note: See note under 166 180

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.

Note: See note under 166 180

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 organization.

(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.

(9) A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.

[Amended by 1977 c 207 §1]

Note: See note under 166 180

166.270 Certain exconvicts forbidden to possess arms. (1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearms capable of being concealed upon the person, or machine gun, commits the crime of exconvict in possession of a firearm.

(2) For the purposes of this section, a person "has been convicted of a felony" if, at the time of his conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:

(a) At the time of conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or

(b) The offense was for possession of marijuana.

(3) Subsection (1) of this section shall not apply to any person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve the possession or use of a firearm, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section.

(4) Exconvict in possession of a firearm is a Class C felony.

[Amended by 1975 c.702 §1]

Note: See note under 166.180.

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]

Note: See note under 166 180

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.

Note: See note under 166 180

166.290 Issuance of license to carry weapon concealed; fees; liability. (1) The sheriff of a county, upon proof before him, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, may 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 the fee established under subsection

(3) of this section. The fees shall be turned over to the treasurer of such county 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 date of birth, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon. The sheriff shall require that the applicant submit to fingerprinting at the time of applying for issuance or renewal of a license under this section. 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. The record of each license issued or renewed under this section shall be kept in the office of the county clerk. The applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

(3) Fees for the issuance and renewal of licenses under this section shall be set by the governing body of each county at an amount estimated to provide for the administration of this section, but the fees shall not exceed:

(a) \$10 for the issuance of a license.

(b) \$2.50 for the renewal of a license.

(4) Neither a sheriff nor any authorized representative of a sheriff who is engaged in the receipt and review of any application for or in the issuing or denial of any license under this section shall incur any civil or criminal liability as the result of the lawful performance of his duties under this section.

[Amended by 1973 c 391 §1]

Note: See note under 166 180

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.

Note: See note under 166 180

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.

Note: See note under 166 180

166.320 Setting springgun or setgun.

(1) Any person who places or sets any loaded springgun, setgun, 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 springgun, setgun, 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 employees of county, state or federal governments engaged in cooperative predatory animal control work.

Note: See note under 166 180

166.330 Use of firearms with other than incumbustible gun wadding. Any person who uses in any firearms discharged

on lands within this state, not his own, anything other than incumbustible 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.

Note: See note under 166 180

166.340 Use of firearms within Devils Lake and Bend areas. (1) It is unlawful for any person to fire or discharge any weapon which acts by force of explosive:

(a) 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.

(b) Within an area situated in Deschutes County and bounded on the west by a line drawn parallel to the westerly bank of the Deschutes River and one-fourth mile west of the westerly bank, on the east and south by the city limits of the City of Bend, and on the north by a line beginning at a point 100 feet north of the center of the center line of the crest of the North Canal Diversion Dam and extending east and west to intersect the east and west boundaries of the area described in this section.

(2) Subsections (1) and (2) of this section do 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, 1969 c 351 §1]

Note: See note under 166.180

**POSSESSION OF
DESTRUCTIVE DEVICE OR
LOADED FIREARM IN PUBLIC
BUILDING**

166.360 Definitions for ORS 166.360 to 166.380. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

(1) "Capitol building" means the Capitol, the Supreme Court Building, the State Office Building, the State Library Building, the Labor and Industries Building, the State Highway Building, the Agriculture Building or the Public Service Building and includes any new buildings which may be constructed

on the same grounds as an addition to the group of buildings listed in this subsection.

(2) "Destructive device" means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance; or

(b) A bomb, grenade, missile or similar device or any launching device therefor.

(3) "Loaded firearm" means:

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

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

(4) "Public building" means a capitol building, a public or private school, college or university, a county courthouse, a city hall or the residence of the Governor, Secretary of State or State Treasurer and includes the grounds adjacent to a building described in this subsection.

[1969 c 705 §1; 1977 c.769 §2]

Note: 166 360 to 166.380 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Criminal Code of 1971 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

166.370 Possession of destructive device or loaded firearm prohibited; exceptions. (1) Any person who possesses a destructive device or loaded firearm, on his person in or on a public building, shall be punished upon conviction by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both.

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

(a) A sheriff, policeman, other duly appointed peace officers or a corrections officer while acting within the scope of employment.

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

(c) A member of the military forces of this state or the United States, when engaged in the performance of his duty.

(d) A person who is licensed under ORS 166.290 to carry a concealed weapon.

[1969 c.705 §§2, 4; 1977 c.207 §2]

Note: See note under 166.360.

166.380 Examination of device or firearm by peace officer; arrest for failure to allow examination. (1) A peace officer may examine a firearm possessed by anyone on his 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.

[1969 c 705 §3]

Note: See note under 166 360

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.

Note: 166 410 to 166 490 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Criminal Code of 1971 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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)

Note: See note under 166.410

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 where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) 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 or on any part of the premises where it can readily be seen from outside the premises.

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

[Amended by 1971 c.464 §1]

Note: See note under 166.410.

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.

Note: See note under 166.410.

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.

Note: See note under 166.410

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.

Note: See note under 166.410

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.

Note: See note under 166.410

166.480 Sale or gift of explosives and firearms to children.

Any person who sells, exchanges, barter 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, barter 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, barter 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.

Note: See note under 166 410

166.490 Purchase of firearms in certain other states. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b) (3) of the Gun Control Act of 1968 (18 U.S.C. 922(b) (3)) and regulations pursuant thereto are repealed or rescinded.

[1969 c 289 §§1, 2, 3, 4]

Note: See note under 166 410

SLUGGING AND STABBING WEAPONS

166.510 Manufacturing, selling, carrying or possessing slugging or stabbing weapons. (1) Except as provided in ORS 166.515 or 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, sap glove or metal knuckles, or who carries a dirk, dagger or stiletto commits a Class A misdemeanor.

(2) District and justice courts shall have concurrent jurisdiction with the circuit courts of any offense defined in this section.

[Amended by 1957 c 290 §1, 1973 c 746 §1]

Note: 166.510 to 166 520 were enacted into law by

the Legislative Assembly but were not added to or made a part of the Oregon Criminal Code of 1971 by legislative action See the Preface to Oregon Revised Statutes for further explanation

166.515 Application of ORS 166.510 to sap glove manufacturers. The provisions of ORS 166.510 relating to the manufacture or sale of sap gloves do not apply to the manufacture of sap gloves for export out of the state by any person who was manufacturing sap gloves for such purpose on May 1, 1973.

[1973 c 746 §2]

Note: See note under 166 510

166.520 Persons permitted to carry blackjacks. (1) Peace officers are not prohibited from carrying or possessing an instrument or weapon commonly known as a blackjack or billy.

(2) As used in subsection (1) of this section, the terms "blackjack" and "billy" do not include an instrument or weapon commonly known as a sap glove.

[Amended by 1973 c 746 §3]

Note: See note under 166.510

166.560 [1965 c.118 §1, repealed by 1971 c 743 §432]

MISCELLANEOUS

166.610 [Repealed by 1971 c 743 §432]

166.620 [Repealed by 1963 c.94 §2]

166.630 Discharging weapon on or across highway or ocean shore recreation area. (1) Any person who discharges any bow and arrow, air rifle, rifle, gun, revolver or other firearm upon or across any highway or other public road in this state, or upon or across the ocean shore within the state recreation area as defined in ORS 390.605, shall be punished, upon conviction, by imprisonment in the county jail for not more than one year, or a fine of not more than \$500, or both. Any bow and arrow, air rifle, rifle, gun, revolver or other firearm in the possession of the person that was used in committing a violation of this subsection may be confiscated and forfeited to the State of Oregon. This subsection does not prevent the discharge of firearms by peace officers in the performance of their duty or by military personnel within the confines of a military reservation.

(2) The hunting license revocation provided in ORS 497.415 is in addition to and not in lieu of the penalty provided in subsection (1) of this section.

[Amended by 1963 c 94 §1, 1969 c 501 §2; 1969 c 511 §4, 1973 c 196 §1; 1973 c.723 §118]

166.635 Discharging weapons or throwing objects at trains. (1) A person shall not knowingly throw an object at, drop an object on, or discharge a bow and arrow, air rifle, rifle, gun, revolver or other firearm at a railroad train, a person on a railroad train or a commodity being transported on a railroad train. This subsection does not prevent a peace officer or a railroad employe from performing his duty.

(2) Violation of subsection (1) of this section is a misdemeanor.
[1973 c.139 §4]

Note: 166 635 and 166.645 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Criminal Code of 1971 by legislative action See the Preface to Oregon Revised Statutes for further explanation.

166.640 [Repealed by 1971 c.743 §432]

166.645 Hunting in cemeteries prohibited. (1) Hunting in cemeteries is prohibited.

(2) As used in subsection (1) of this section "hunting" has the meaning for that term provided in subsection (5) of ORS 496.015.

(3) Violation of subsection (1) of this section is a misdemeanor.
[1973 c.468 §2]

Note: See note under 166 635

166.650 [Repealed by 1971 c.743 §432]

166.710 [1957 c.601 §1; repealed by 1971 c 743 §432]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1977

Thomas G. Clifford
Legislative Counsel

