

Understanding Oregon's Gun Laws 2008 Edition  
Clarifications and Additions

A December 2008 Oregon Appeals Court decision has determined that your car is now, for all intents and purposes, a "public place." ("Bryan Ward vs State of Oregon.") Open carry in vehicles is now subject to local restrictions. While no case law exists, it is the opinion of Oregon's Legislative Council that this restriction can be extended to recreational vehicles.

Page 9 states: "*So, a person with only one felony conviction can (under Oregon law) own a firearm if the person has been out of prison or off probation for more than 15 years and the crime for which the person was convicted was not a homicide or weapons possession charge.*" Actually, although they would not be committing the crime of "felon in possession" under ORS 166.270, they would still be guilty of a misdemeanor under ORS 166.250. Gotcha.

The book then discusses restoration of rights for persons who committed crimes as juveniles that would have been considered felonies if committed by adults. The book says "*So, the 15 year rule is reduced to 4 years for people who were minors when they left the benevolent care of the state.*" This is inaccurate. The "15 year" rule has to do with the "automatic" restoration of rights that seems to occur after 15 years, but as the above paragraph points out, does not really. The section dealing with juveniles has nothing to do with the 15 year rule. It refers to the opportunity to *petition* the courts for relief, not any "automatic" relief.

Page 8 of the 2008 edition states "*Federal law prohibits anyone under 21 from purchasing a handgun.....*" This should say "*Federal law prohibits anyone under 21 from purchasing a handgun from a licensed dealer...*"

Page 9 deals with restoration of gun rights for persons who have committed felonies. Section 166.274 begins with the following: "*166.274 Relief from prohibition against possessing or purchasing firearm. (1) A person barred from possessing a firearm under ORS 166.250 (1)(c)(A), (B), (D) or (E) or barred from purchasing a firearm under ORS 166.470 may file a petition for relief from the bar in...*" It then outlines the procedure. However, if you read the above section carefully you see that it applies to persons who are barred from possession under sections (A),(B),(D), and (E) of ORS 166.250. It DOES NOT apply to people barred under section (C).

Section (C) says "Has been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;" What this means is that most persons with felony convictions *may not apply* for relief of the prohibition against possession. Strangely however, they may apply to have their rights to purchase a firearm restored. But they cannot possess it! (*Senate Bill 603, passed in 2009 corrected this error, but as of the time this update was printed, efforts were being made to reverse this and return to the original flawed law. Please check current statutes.*)

A printer's error on page 88 leaves out 11 critical words. Section (3) (c) of section 166.412 says:

*(c) If the department fails to provide a unique approval number to a gun dealer or to notify the gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close of the gun dealer's next business day following the request by the dealer for a criminal history record check, the dealer may deliver the handgun to the purchaser.*

The missing words on page 88 are:

**“...record check, the dealer may deliver the handgun to the purchaser.”**

Page 28 discusses firearms in Post Offices. The book states, *“We are unaware of any prosecutions of persons with concealed handgun licenses simply because they were in a Post Office.”* While that is, strictly speaking, still accurate, there was a case decided in October of 2009, where a Postal employee was prosecuted for having a firearm in his car. In this case, USA vs Clarence Paul Dorosan, the violation was not of the law, but of a “regulation,” 39 C.F.R. § 232.1. It is not clear how this case would affect a license holder in Oregon. But be warned.

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