

Understanding Oregon's Gun Laws 2008 Edition

Clarifications and Additions

A December 2008 Oregon Appeals Court decision has determined that your car is a "public place." ("Bryan Ward vs State of Oregon.") Open carry in vehicles is now subject to local restrictions.

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 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 a felony of "felon in possession" under ORS 166.270, they would still be guilty of a misdemeanor under ORS 166.250. Gotcha.

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. Weirdly however, they may apply to have their rights to purchase a firearm restored. But they cannot possess it!

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."