

Firearms Ordinance – Frequently Asked Questions

On April 18th, the Board of County Commissioners approved a first reading of an ordinance “Adding new ordinances to Chapter 15 and Amending Chapter §15.051 to address firearm safety in Multnomah County.” The second reading is scheduled for April 25th.

Why is the County considering this ordinance?

Gun violence kills about 30,000 Americans each year and injures more than twice as many, according to the Centers for Disease Control. Many of these deaths and injuries are preventable. Right now, Federal, State and local governments are looking for ways to reduce the violence caused by guns. Oregon law authorizes counties to adopt ordinances to regulate, restrict or prohibit the discharge of firearms within their boundaries.

Where can I read the full ordinance?

The ordinance is available online at:

http://multnomah.granicus.com/MetaViewer.php?meta_id=38223&view=&showpdf=1

What does the ordinance do?

1. Prohibits possession of a loaded firearm in a public place and includes penalties. This subsection does not apply or affect those listed in ORS 166.173 (2):
 - A law enforcement officer in the performance of official duty.
 - A member of the military in the performance of official duty.
 - A person licensed to carry a concealed handgun.
 - A person authorized to possess a loaded firearm while in or on a public building or court facility under ORS 166.370.
 - An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.and does not affect or apply to:
 - Licensed hunters engaged in lawful hunting.
 - Persons engaged in target shooting at an established shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
 - A government employee authorized or required by his or her employment or office to carry firearms.
 - A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
 - A person with written authorization from the Multnomah County Sheriff or his designee.
2. Prohibits discharge of a firearm within the boundaries of the County and includes penalties. This subsection does not apply to or affect those listed in ORS 166.171 (2):
 - A person discharging a firearm in the lawful defense of person or property.
 - A person discharging a firearm in the course of lawful hunting.
 - A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.
 - A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

- A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary or the boundary of a city, if the discharge will not endanger persons or property.
 - An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.
3. Prohibits endangering a child by allowing access to a firearm and includes penalties.
 4. Requires reporting a theft or loss of a firearm within 48 hours of knowing a firearm is stolen and includes penalties.
 5. Extends curfew hours for minors on parole and probation for a charge related to a gun.

What if I have an Oregon Concealed Handgun License?

As required by State law, the ordinance exempts concealed handgun permit holders, and others, from the loaded open carry provisions.

What if I have a Concealed Handgun License from another state?

This ordinance applies to you if you have a Concealed Handgun License from a state other than Oregon. You cannot carry a concealed handgun in Oregon unless you have an Oregon CHL, which you can obtain only in the county of your residence. No other state's permit is recognized or acknowledged.

What do you mean by a "public place?"

As defined by State law "public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation. ORS 161.015(10).

Can I shoot my gun on my own property?

This ordinance limits the discharge of a weapon and specifically excludes those persons listed in ORS 166.171(2). You may discharge a weapon on private property if you fall within one of those categories and are not otherwise prohibited by law to do so. Those categories are:

- A person discharging a firearm in the lawful defense of person or property.
- A person discharging a firearm in the course of lawful hunting.
- A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.
- A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
- A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary or the boundary of a city, if the discharge will not endanger persons or property.
- An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

Does this mean I can't hunt in Multnomah County?

This ordinance will not affect licensed hunters engaged in lawful hunting.

What about gun ranges?

This ordinance does not prohibit a person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.

If I am on National Forestry land within Multnomah County, do the discharge and possession of loaded weapon requirements still apply?

Yes.

Why is the firearms ordinance limited to these topics? Why doesn't it include things like universal background checks, banning assault rifles and limiting magazine sizes?

State law limits counties from legislating in other areas related to gun violence prevention - issues like banning assault rifles and limiting magazine sizes can only be addressed by the State Legislature and are not included in this ordinance. ORS 166.170

When will this go into effect?

The second reading of the ordinance is on April 25th at 9:30am. The ordinance will go into effect 30 days after the second reading and approval by the Board of County Commissioners.

Why do we need a second reading if it passed unanimously?

County Code requires a second reading at a public meeting for all ordinances.

What does "endangering a child by allowing access to a firearm" mean?

A person commits the offense of endangering a child if a person fails to prevent access to a loaded or unloaded firearm by a minor without the permission of the person, a parent or guardian, when the person knew or reasonably should have known that a minor could gain access to the firearm.

What if a minor steals a gun from my house?

The "endangering a child" subsection does not apply when the minor obtains the firearm as a result of illegal entry into any premises under the person's custody or control. However, you would be required to report the theft of a firearm under County Code section 15.067.

What is the purpose of making it a crime if someone fails to report a lost or stolen gun?

The purpose of this ordinance is to facilitate the apprehension of criminals who commit crimes with stolen or lost weapons; deter the criminal use of stolen and lost weapons; facilitate the recovery of stolen and lost weapons; prevent unwarranted criminal accusations against firearms owners who suffer the loss or theft of a firearm; and, deter persons from falsely claiming that a firearm was lost or stolen to avoid punishment for an illegal firearm transfer.

How would reporting lost or stolen guns promptly help police?

Reporting lost or stolen guns assists local law enforcement in two ways: It enables police to respond more rapidly to a report that a gun was stolen and possibly return it to its owners or track down the thieves. If a trafficker or straw buyer is identified through gun tracing and confronted by police, such a requirement prevents them from evading responsibility by claiming that the crime gun was stolen from them.

Where do I report my gun if it is lost or stolen?

Report lost or stolen guns to your local police or to the County Sheriff if you do not have police. The non-emergency line for the Sheriff is (503) 823-3333.

What if I don't know the gun is missing?

You cannot be charged under the ordinance unless you knew or had reason to know the firearm was missing. Then, you have 48 hours to report it missing to the police chief or sheriff.

How can I prevent access to a gun by a minor?

King County, Washington Public Health's [website LOK-IT-UP](http://www.kingcounty.gov/healthservices/health/injury/lokitup.aspx) has great information about how to safely store guns.

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What impact will the proposed earlier curfew have on youth?

This ordinance change only applies to minors who are on probation for a gun-related offense.

What happens if a minor has somewhere they need to be after curfew, like a school-sponsored event or a job?

This proposal allows a probation or parole officer or juvenile court counselor to provide exceptions to the curfew.

Will this affect the ability of an off duty or retired police officer to lawfully carry a concealed handgun?

No, this will not affect the ability of off duty or retired police officers to lawfully carry a concealed handgun. ORS 116.173 states that a local ordinance does not apply to persons licensed to carry a concealed handgun, and ORS 166.260(1) specifically states that the law requiring a concealed handgun license does not apply to: "Sheriffs, constables, marshals, parole and probation officers, police officers, whether active or honorably retired, or other duly appointed peace officers."

Are security guards exempted from the ordinance prohibiting possession of a loaded weapon in a public place?

Security guards are not specifically exempted by the County's ordinance or the City of Portland's ordinance, passed in 2010. The County's ordinance allows for an exemption for "a person with written authorization from the Multnomah County Sheriff or his designee". Security firms operating in Multnomah County may submit written requests for authorization for on-duty DPSST certified armed security professionals without concealed handgun licenses to possess loaded firearms in the County to: Multnomah County Sheriff's Office, 501 SE Hawthorne Blvd. Suite # 350, Portland Oregon 97214.

Who can I call if I have additional questions?

Chair Jeff Cogen's Office – (503) 988-3308

Commissioner Deborah Kafoury's office – (503) 988-5220