Firearms, Law, and Libraries in Oregon

Brian M. Thompson
The Law Office Of Brian M. Thompson
66 Club Road, Suite 200
Eugene, Oregon 97401
Source of Law

• YOU SHALL NOT KILL, Exodus 20:13
  See also, Catechism of the Catholic Church, Second Edition, Sections 2263-2269

• Oregon Constitution, Article 1, Section 27. Right To Bear Arms; Military Subordinate To Civil Power. The people shall have the right to bear arms for the defence of themselves. . .

Four Rules of Gun Safety

RULE I: ALL GUNS ARE ALWAYS LOADED.
RULE II: NEVER LET THE MUZZLE COVER ANYTHING YOU ARE NOT WILLING TO DESTROY.
RULE III: KEEP YOUR FINGER OFF THE TRIGGER UNTIL YOUR SIGHTS ARE ON THE TARGET AND YOU ARE READY TO SHOOT.
RULE IV: BE SURE OF YOUR TARGET AND BACKSTOP
Firearms in Public

• **166.173 Authority of city or county to regulate possession of loaded firearms in public places.**
  (1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015.
  
  (2) Ordinances adopted under subsection (1) of this section do not apply to or affect:
  
  • (a) A law enforcement officer.
  
  • (b) A member of the military in the performance of official duty.
  
  • **(c) A person licensed to carry a concealed handgun.**
  
  • (d) A person authorized to possess a loaded firearm while in or on a public building or court facility under ORS 166.370.
  
  • (e) 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.
  
  • (f) An honorably retired law enforcement officer, unless the person who is a retired law enforcement officer has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292. [1995 s.s. c.1 §4; 1999 c.782 §8; 2009 c.556 §3; 2015 c.709 §1]
Concealed Handgun License

• This is the Key
• If a person has a CHL, that person can carry in a library.
• Unless the library is housed in a building that is otherwise exempt
  • such as a law library inside a courthouse.
  • Rented Library Space under a private lease that prohibits firearms
166.250 Unlawful possession of firearms.

• (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.

• (1) ORS 166.250 does not apply to or affect: . . . (i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.
POSSESSION OF WEAPON OR DESTRUCTIVE DEVICE IN PUBLIC BUILDING OR COURT FACILITY

• 166.370 Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school.

• (1) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.

• (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

• (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony.

• (3) Subsection (1) of this section does not apply to: . . . (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.
161.015(1) Definition of ‘Dangerous Weapon’

• “Dangerous weapon” means any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.
166.360(9) Definition of ‘Public Building’

• “Public building” means a hospital, a capitol building, a public or private school, as defined in ORS 339.315 (Report required if person has unlawful firearm or destructive device), a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS 297.405 (Definitions for ORS 297.020, 297.230, 297.405 to 297.740 and 297.990), other than a court facility.
297.405(5) Definition of ‘Municipal Corporation’

• “Municipal corporation” means a:
  • (a) City;
  • (b) County;
  • (c) Special district;
  • (d) School district or an education service district;
  • (e) Corporation, except a municipal corporation established pursuant to ORS 441.525 (Definitions for ORS 441.525 to 441.595) to 441.595 (Construction of ORS 441.525 to 441.595), upon which is conferred powers of the state for the purpose of local government; or
  • (f) Public corporation, including a cooperative body formed between municipal corporations.
The Ducks “duck” the law

• The U of O bans firearms on campus and does not provide an exemption. (see Link below)

• 352.113 Real and personal property held by public universities; legal title; custody; sale and transfer.

• The U of O is entirely in Eugene.

• Eugene DOES prohibit firearms Eugene Code 4.888

• Eugene Exempts CHL holders.

• https://policies.uoregon.edu/vol-4-finance-administration-infrastructure/ch-5-public-safety/firearms