

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adding new ordinances to Chapter 15 and amending §15.051 to address firearm safety in Multnomah County.

The Multnomah County Board of Commissioners Finds:

- a. Unlawful firearm use poses a present and serious threat to the health, safety and security of the residents of Multnomah County.
- b. Gun violence kills about 30,000 Americans each year and injures more than twice as many, according to the Centers for Disease Control (CDC). Firearms were the third-leading cause of injury-related deaths nationwide in 2010, following poisoning and motor vehicle accidents.
- c. According to the Oregon Health Authority, homicide was the third leading cause of death for ages 15-24 in the State of Oregon in 2009.
- d. In 2012, firearms were used in 891 incidents reported to law enforcement agencies in Multnomah County. Firearms were used in 45% of the homicides committed in Portland in that same time.
- e. About one-third of U.S. households contain a gun, and half of gun-owning households don't lock up their guns, including 40 percent of households with children under age 18.
- f. The majority of gang related activity occurs in the evening or early morning hours. Although County Ordinances 15.050 and 15.051 currently provide a curfew for minors, further restricting the curfew for youth who are currently on probation or under juvenile court jurisdiction or juvenile parole for gun-related offenses will provide law enforcement, the Department of Community Justice and the Oregon Youth Authority with an additional investigative tool to contact youth before a violent incident occurs and will protect the community.
- g. Over 1,200 firearms have been reported stolen in Portland in 2011 and 2012. Stolen or misplaced guns represent a major risk to the community because of the likelihood that they will land in criminal hands or be used for criminal purposes. Adding reporting requirements for stolen or misplaced firearms will:
 - 1. Enable law enforcement to respond more rapidly to a report of a stolen or lost firearm;
 - 2. Deter the criminal use of stolen or lost weapons;
 - 3. Facilitate the identification and recovery of stolen or lost weapons;
 - 4. Prevent unwarranted criminal accusations against firearms owners who suffer the loss or theft of a firearm; and
 - 5. Deter persons from falsely claiming that a firearm was lost or stolen to avoid punishment for an illegal firearm transfer.

- h. Multnomah County's adopted 2013 Legislative Agenda calls on the State Legislature and Congress to prevent gun violence by enacting common-sense legislation including limiting assault rifles, requiring universal background checks, and returning authority to local jurisdictions to regulate concealed weapons in public places such as schools.
- i. Multnomah County also supports efforts to remove State preemptions that restrict our ability to enact local legislation to protect our residents.
- j. Oregon law preempts local jurisdictions' authority "to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition," vesting that authority to the Legislative Assembly. ORS 166.170
- k. Oregon law specifically authorizes local governments to regulate the discharge of firearms and to regulate possession of loaded firearms in public places. ORS 166.171 and 166.173. Local governments have authority to enact curfews and to establish loss reporting and child access laws. ORS 419C.680(4), Multnomah County Code 15.050, *et seq.*
- l. Multnomah County has twice passed ordinances regarding the possession of loaded firearms and discharge of firearms in the County. *See* Ordinance 646, passed March 22, 1990, and Ordinance 712, passed on February 13, 1992. However, those ordinances were not properly codified. This Ordinance supersedes Ordinances 646 and 712.
- m. This ordinance will apply countywide unless a city within Multnomah County enacts separate legislation on this same subject matter.

Multnomah County Ordains as follows:

Section 1. MCC 15.060 to 15.065, Firearms, is created as follows:

FIREARMS

15.060 Title and Area of Application.

This subchapter shall be known and cited as the County Firearms Law.

15.061 Consistency with State Criminal Law.

This subchapter shall be construed consistent with state criminal law, and any procedures or defenses made available in the prosecution of the same or similar offenses under state criminal law shall apply in prosecutions under this subchapter.

15.062 Penalty for Violation.

Unless a different penalty is specifically provided, any violation of any provision of this subchapter shall upon conviction be punished by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. However, no greater penalty shall be imposed than allowed under state law.

15.063 Definitions.

For purposes of this subchapter, the following definitions apply unless the context requires a different meaning:

- (A) **HANDGUN:** has the meaning as provided in ORS 166.210(5).
- (B) **CONCEALED HANDGUN LICENSE:** a license issued pursuant to ORS 166.291 to 166.295 that allows an individual to carry a concealed handgun in public places as provided by state law.
- (C) **FIREARM:** has the meaning as provided in ORS 166.210(3).
- (D) **PUBLIC PLACE:** has the meaning as provided ORS 161.015(10).

15.064 Possession of a Loaded Firearm in a Public Place.

- (A) It is unlawful for any person in a public place, to carry a firearm upon the person, or while in a vehicle in a public place, unless all ammunition has been removed from the chamber and from the cylinder, clip, or magazine. A person who violates this section is subject to penalty even if the person did not know that ammunition was in the cylinder, chamber, clip or magazine.
- (B) The prohibitions of subsection (A) of this section do not apply to or affect:
 - (1) Those listed in ORS 166.173(2).
 - (2) Licensed hunters engaged in lawful hunting.
 - (3) Persons engaged in target shooting at an established shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
 - (4) A government employee authorized or required by his or her employment or office to carry firearms.
 - (5) A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
 - (6) A person with written authorization from the Multnomah County Sheriff or his designee.
- (C) It is unlawful for any person who possesses a firearm, clip or magazine in or upon a public place, or while in a vehicle in a public place, to refuse to permit a peace officer to inspect that firearm, clip or magazine after the peace officer has identified himself or herself as such. The prohibitions of this subsection do not apply to or affect the persons listed in subsection (B) of this section.

15.065 Discharge of a Firearm.

- (A) It is unlawful for any person to fire or discharge a firearm within the boundaries of the County.

(B) The prohibition of subsection (A) of this section does not apply to or affect those listed in ORS 166.171(2).

15.066 Endangering a Child by Allowing Access to a Firearm.

(A) 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.

(B) Subsection (A) of this section does not apply when:

- (1) The minor obtains the firearm as a result of an illegal entry into any premises under the person's custody or control.
- (2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure from entry by the minor.
- (3) The firearm is locked with a device that has rendered the firearm inoperable and is designed to prevent minors and unauthorized users from firing the firearm. The device may be installed on the firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

(C) Penalty: Violation of subsection (A) of this section is punishable by incarceration for not more than 10 days and a fine of not more than \$500.

15.067 Failure to Report Theft.

(A) Any person who possesses, owns or controls a firearm in the County shall report the theft or misplacement of the firearm to law enforcement and provide a description of the firearm, within 48 hours of knowing, or having reason to know, the firearm is stolen or cannot be located through reasonable effort.

(B) A person who possesses, owns or controls a firearm in the County and fails to provide the serial number of the firearm when reporting the firearm in accordance with subsection (A) of this section is subject to a \$200 administrative fee.

(C) Violation of subsection (A) of this section is punishable by a fine of \$2,500.

Section 2. Amending MCC Chapter 15 relating to the Curfew for Minors:

(Language ~~stricken~~ is deleted; underlined language is new)

§ 15.051 CURFEW HOURS

For the purposes of this subchapter, the applicable hours of curfew shall be:

(A) As to minors under 14 years of age who have not begun high school, the hours shall be between 9:15 p.m. and 6:00 a.m. of the following morning, except that during the months of June, July, and August, the hours shall be between 10:15 p.m. and 6:00 a.m. of the following morning, except as further limited by subsection (C) of this section.

(B) As to minors 14 years of age or over who have begun high school, the hours shall be between 10:15 p.m. Sunday, Monday, Tuesday, Wednesday or Thursday, and 6:00 a.m. of the following morning, and between 12:00 midnight on Friday or Saturday, or any legal holiday, and 6:00 a.m. of the following morning, except that during the months of June, July and August, the hours shall be between 12:00 midnight and 6:00 a.m. of the following morning, except as further limited by subsection (C) of this section.

(C) For minors who have been found by a court to have possessed, purchased, used, transferred or transported a firearm unlawfully and are under the jurisdiction of the court as a result of that adjudication, curfew is between 7:00 p.m. and 6:00 a.m. of the following morning except for minors meeting the exception of §15.050 or with written permission of the minor's probation or parole officer or juvenile court counselor.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:
JENNY MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jenny Morf, County Attorney

SUBMITTED BY:
Jeff Cogen, Chair
Deborah Kafoury, Commissioner District 1