

14A.80.010 Curfew.

- A.** It is unlawful for any minor to be in or upon any public property or public right of way between the hours specified in this Section, unless such minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by the law to have care and custody of the minor, or unless such minor is then engaged in a school activity or lawful employment that makes it necessary to be in or upon any city property or public right of way during the hours specified in this Section. For minors under the age of 14 years who have not begun high school, curfew is between 9:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, the curfew is between 10:15 p.m. and 6 a.m. of the following morning. For children 14 years of age or older who have begun high school, curfew is between 10:15 p.m. and 6 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the City, curfew is between 12 midnight and 6 a.m. of the following morning. 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 p.m. and 6 a.m. of the following morning except for minors attending, or traveling directly to or from, a school-sponsored event, or a church, with written approval from the school, organization or church or to any activity or place with the permission of the minor's probation or parole officer or juvenile court counselor.
- B.** If a minor is taken into protective custody in violation of curfew, it is the responsibility of the parent, guardian, or other person having legal care and custody of the minor to come immediately and take custody of the minor from the police.

14A.60.050 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 firearm by a minor when the person knew or reasonably should have known that a minor could gain access to the firearm under the following circumstances:
- 1.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian.
 - 2.** A person possesses or controls an operable firearm, whether loaded or unloaded, within premises under the person's custody or control and a minor gains access to the firearm without the permission of the person, a parent or guardian and the minor carries the firearm off the premises.
- B.** Violation of Subsection A.1. is punishable by incarceration for not more than 10 days and a fine of not more than \$500.
- C.** Violation of Subsection A.2. is punishable by incarceration for not more than 20 days and a fine of not more than \$750.
- D.** Violation of Subsection A.2. is punishable by incarceration for not more than 30 days and a fine of not more than \$2,500 when the firearm is carried by the child off premises to any school, school-sponsored or school-related event.
- E.** Defenses: This section shall not apply if any one of the following circumstances exists:
- 1.** The minor obtains the firearm as a result of an illegal entry into any premises by any person.
 - 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.

Exhibit 3**14A.60.060 Failure to Report Theft**

- A.** Any person who possesses, owns or controls a firearm in the City of Portland shall report the theft or misplacement of the firearm to the Chief of Police or designee, providing a description of the firearm including serial number, 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 City of Portland and fails to provide the serial number of the firearm when reporting the firearm is stolen or cannot be located is subject to a \$200 administrative fee.
- C.** Violation of Subsection 14A.60.060A. is punishable by a fine of \$2,500.

Exhibit 4

14A.60.010 Possession of a Loaded Firearm in a Public Place.

- A. It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.
- B. It is unlawful for any person to knowingly possess or carry a firearm and that firearm's clip or magazine, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the clip or magazine.
- C. The following are exceptions and constitute affirmative defenses to a violation of this Section:
 - 1. A police officer or other duly appointed peace officers, whether active or honorably retired.
 - 2. A member of the military in the performance of official duty.
 - 3. A person licensed to carry a concealed handgun.
 - 4. A person authorized to possess a loaded firearm while in or on a public building under ORS 166.370.
 - 5. A government employee authorized or required by his or her employment or office to carry firearms.
 - 6. A person summoned by a police officer to assist in making arrests or preserving the peace, while such person is actually engaged in assisting the officer.
 - 7. A merchant who possesses or is engaged in lawfully transporting unloaded firearms as merchandise.
 - 8. Organizations which are by law authorized to purchase or receive weapons from the United States or from this state.
 - 9. Duly authorized military or civil organizations while parading, or their members when going to and from the places of meeting of their organization.
 - 10. A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.
 - 11. Persons traveling to and from an established target range, whether public or private, for the purpose of practicing shooting targets at the target ranges.

12. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.
 13. A person authorized by permit of the Chief of Police to possess a loaded firearm, clip, or magazine in a public place in the City of Portland.
 14. A security guard employed at a financial institution insured by the Federal Deposit Insurance Corporation while the security guard is on duty.
- D.** 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 police officer to inspect that firearm after the police officer has identified him or herself as a police officer. This Section does not apply to law enforcement officers or members of the military in the performance of official duties, nor persons licensed to carry a concealed handgun or persons authorized to possess a loaded firearm, clip or magazine while in or on a public building or court facility.

E. Penalty

1. In the absence of the aggravating factors listed in Subsection 14A.60.010E.2, the court may impose a sentence of up to 6 months imprisonment and a fine not to exceed \$500 for violation of this section.
2. When this offense is committed by carrying a loaded firearm containing ammunition that employs gunpowder as a propellant in a vehicle, including a transit vehicle, the court must impose a mandatory minimum sentence of 30 days for violation of this section.

Exhibit 5**Chapter 14A.90****Illegal Firearms Use Hotspots****Sections:**

- 14A.90.010 Illegal Firearms Use Hotspots.
- 14A.90.020 Designation of Illegal Firearms Use Hotspots.
- 14A.90.030 Civil Exclusion.
- 14A.90.035 Violation of an Exclusion – Penalties.
- 14A.90.040 Issuance of Exclusion Notices.
- 14A.90.050 Procedure.
- 14A.90.060 Appeal, Review and Variances.
- 14A.90.070 Listing of Illegal Firearms Use Hotspots.

14A.90.010 Illegal Firearms Use Hotspots.

- A. For the purposes of this chapter, the following definitions apply:
 1. Essential needs: food, physical care, and medical attention.
 2. Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
 3. Travel: the movement on foot or within or upon a vehicle within a Illegal Firearms Use Hotspot from one point to another without delay other than to obey traffic control devices.
- B. Illegal Firearms Use Hotspots are those areas of the City as designated by the City Council or designee under Chapter 14A.90 of this Code, which are areas where the number of firearms-related crimes or illegal discharges for a 12 month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within an Illegal Firearms Use Hotspot.

14A.90.020 Designation of Illegal Firearms Use Hotspots.

- A. The City Council may designate a geographic area meeting the criteria of Section 14A.90.010 of this Code to be an Illegal Firearms Use Hotspot. If Council makes the designation, it shall do so by ordinance. The designation shall be valid for a period of 3 years and shall be posted on the City's website, the Police Bureau's website, and listed on subsequent notices of exclusion. Notices of exclusion shall require excluded persons to check the City and Police Bureau websites for changes in Hotspot locations and boundaries.
- B. The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least 90 days before the end of the period referred to in Subsection 14A.90.020 A., as to whether there is a need to re-configure the Illegal Firearms Use Hotspots.

14A.90.030 Civil Exclusion.

- A.** A person is subject to exclusion under the process described in this chapter from any City-owned space, public right of way and park within an Illegal Firearms Use Hotspot designated in Code Chapter 14A.90 for the duration of a sentence of probation or parole or the duration of juvenile court jurisdiction over the person if the probation, parole or jurisdiction is based on a court finding the person committed any of the following offenses:
1. Any state firearm use or possession crime; or
 2. Any City of Portland firearm use crime.
- B.** An exclusion from all Illegal Firearms Use Hotspot shall take effect upon the day after conviction or finding of jurisdiction for any of the offenses enumerated in Subsection 14A.90.030A. of this Section when the person has both been given actual notice prior to the exclusion that the City would impose an exclusion upon conviction or adjudication and notified of the right of appeal and the process for initiating an appeal.
- C.** A person excluded from an Illegal Firearms Use Hotspot under authority of this Section may not enter that Illegal Firearms Use Hotspot except to travel to and from and be present at the events and locations listed below:
1. Attend a meeting with an attorney;
 2. Attend a scheduled initial interview with a social service provider;
 3. Comply with court-ordered or corrections-ordered obligations;
 4. Contact criminal justice personnel at a criminal justice facility;
 5. Attend any administrative or judicial hearing relating to an appeal of:
 - a. the person's notice of exclusion; or
 - b. the denial, revocation, or amendment of the person's variance;
 6. Travel through that Illegal Firearms Use Hotspot on a Tri-Met vehicle; or
 7. Travel through that Illegal Firearms Use Hotspot on the I-5, I-84 or I-405 freeways within its boundaries;
 8. Reside in a dwelling or facility;
 9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot reasonably be satisfied by the excluded person without entering the Illegal Firearms Use Hotspot;
 10. Obtain social services when:

- a. the excluded person is in need of social services;
 - b. the social services are sought for reasons relating to the health or well-being of the excluded person; and
 - c. the social services agency has written rules and regulations prohibiting the unlawful use and sale of controlled substances by their clients.
11. Obtain education by:
- a. Enrolling as a student at an educational facility; or
 - b. attending school at an educational facility.
12. Work as the owner, principal, agent or employee at a place of lawful employment;
13. Perform work directly related to lawful employment;
14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to Subsection 14A.90.060 B.

D. An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by Section 14A.90.050; including notice of the limitations to the exclusion contained in Section 14A.90.020.

14A.90.035 Violation of an Exclusion - Penalties.

- A. It is unlawful for a person to enter or remain in an Illegal Firearms Use Hotspot in violation of a valid exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.
- B. A person who enters or remains in an Illegal Firearms Use Hotspot in violation of a valid exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

14A.90.040 Issuance of Exclusion Notices.

The Chief of Police and/or designees are the persons in charge of City property, the public rights of way and parks in the Illegal Firearms Use Hotspots for purposes of issuing notices of exclusion in accordance with this Chapter.

14A.90.050 Procedure.

- A. When a court has entered a judgment that a person has committed any of the offenses enumerated in Subsection 14A.90.030 A. and the person is on probation, parole or under the jurisdiction of the court for that offense, the Chief of Police and/or designees may exclude that person from all Illegal Firearms Use Hotspots.

The exclusion takes effect immediately once the requirements of this subsection are met.

- B. At the time a person is issued a notice of exclusion from Illegal Firearms Use Hotspots, the Chief of Police and/or designees may discuss with the excluded person whether the person has a plausible need for a variance and may issue a variance pursuant to the process described in Subsection 14A.90.060B.
- C. The notice of exclusion shall be in writing and a copy delivered to the excluded person. The notice of exclusion shall include the following:
 - 1. A description of the areas designated as an Illegal Firearms Use Hotspot from which that person is excluded;
 - 2. Information concerning the right to appeal the exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code;
 - 3. A statement identifying the conviction or adjudication that supports the exclusion;
 - 4. Notice that the exclusion will remain in effect for the duration of any probation, parole or jurisdiction resulting from the supporting conviction or adjudication; and
 - 5. Conviction of the offense for which the person was arrested and excluded will result in exclusion for the duration of any resulting probation, parole or juvenile court jurisdiction and information concerning the right to appeal exclusion to the Code Hearings Officer as provided in Chapter 22.10 of this Code.

14A.90.060 Appeal, Review and Variances.

- A. APPEAL. A person to whom notice of exclusion is issued shall have a right to appeal as follows:
 - 1. Appeals shall be made to the Code Hearings Officer of the City of Portland. Any hearings regarding such appeals shall be conducted in accordance with Chapter 22.10 of this Code.
 - 2. Copies of documents in the City's control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
 - 3. An appeal of an exclusion must be filed, in writing, by 5 p.m. of the fifth business day following the date the exclusion takes effect.
 - 4. An appeal of:
 - a. a denial of a request for a variance; or
 - b. a denial of a request for an amendment to a variance; or

- c. a revocation or amendment of a variance must be filed, in writing, by 5 p.m. of the fifth business day following the action regarding the variance.
5. A 1 year conviction-based exclusion shall take effect at 12:01 a.m. on the calendar day following the date of conviction and, notwithstanding an appeal of the exclusion, shall remain in effect unless the Code Hearings Officer issues a contrary decision.
 6. At the hearing on an appeal of an exclusion, the City shall have the burden to show by a preponderance of the evidence that the appellant was convicted of, or found to be within the jurisdiction of the court as a result of having committed, any of the offenses enumerated in Subsection 14A.90.030A.
 7. At the hearing on an appeal of a denial of a request for a variance as provided in Subsection 14A.90.060 C.4.a., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
 8. At the hearing on an appeal of a denial of a request for an amendment to a variance as provided in Subsection 14A.90.060 C.4.b., the City shall have the burden to show by a preponderance of the evidence that the denial was in accordance with this Section.
 9. At the hearing on an appeal of a revocation or amendment of a variance as provided in Subsection 14A.90.060 C.4.c., the City shall have the burden to show by a preponderance of the evidence that any of the conditions enumerated in this Section supporting revocation or amendment existed at the time of revocation or amendment.
 10. At the hearing on an appeal of a 90 day exclusion, the following shall be prima facie evidence that the exclusion was based on probable cause to believe that the appellant committed any of the offenses enumerated in Subsection 14A.90.030 A.:

D. VARIANCES. Variances modify an exclusion, and shall be granted, denied, amended or revoked in accordance with the following provisions:

1. All variances shall be in writing and shall state the purpose for which they are granted and the period of time during which they are effective. A variance that does not describe its period of effectiveness is effective for the duration of the exclusion. A variance allows relief from exclusion only for travel to and from specified locations, activities or events, and presence at specified locations, activities and events within an Illegal Firearms Use Hotspot.
2. All Police Bureau Precincts shall receive and process requests for variances during regular business hours if they are otherwise open to the public. This capability will be maintained at the main precinct station or at a sub-station.

3. Variance. The Chief of Police and/or designees may, for any reason, grant an excluded person a variance from an exclusion at any time during an exclusion period. Except as described in Subsection 14A.90.050B., the Chief of Police and/or designees shall grant an appropriate variance to an excluded person who presents a plausible need to engage in any non-criminal activity that is not associated with the behavior supporting the person's exclusion. A variance granted under this Subsection allows travel within a Hotspot only in accordance with the terms specified in the variance. The Chief of Police or designees will ask a person requesting a variance to provide and update an address through which the person can be reached for the duration of the variance in the event the City determines there is a need to amend or revoke the variance.

E. REVOCATION OR AMENDMENT OF VARIANCES. A variance may be revoked or amended for the following reasons and in the following manner:

1. The excluded person provided false information in order to obtain the variance;
2. There is probable cause to believe the person has committed any of the offenses enumerated in Subsection 14A.90.030 A. in a Hotspot subsequent to the issuance of the variance;
3. The circumstances giving rise to the issuance of the variance no longer support a continuation of the variance or a term thereof;
4. If the person presents new circumstances that would support amending the variance; or
5. A revocation or amendment of a variance becomes effective at 5 p.m. of the fifth business day following mailing of notice of the action to the excluded person at the address provided pursuant to Subsection 14A.90.060 B.1. unless the excluded person appeals the determination by following the procedures in Subsection 14A.90.060 A.4.c.

14A.90.070 Listing of Illegal Firearms Use Hotspots.

The following descriptions shall comprise the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots shall include the entire area on and within the listed boundaries.

- A. Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison Street, SW Naito Parkway, SW Jefferson Street, the center divider of I-405, the centerline of NW Glisan Street and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.

- B.** North / Northeast Hotspot: The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.
- C.** East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148th Avenue, SE Stark Street and 162nd Avenue.