

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 4 — SPECIAL ORDERS

SPECIAL ORDER 3

PROHIBITING DANGEROUS WEAPONS IN COURTHOUSE

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I. Introductory Provisions

3.010 Caption

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY, OREGON

IN THE MATTER OF A STATE COURT GENERAL
ORDER PROHIBITING DANGEROUS INSTRUMENTS
IN COURTHOUSE

RESOLUTION 94-141

3.050 Whereas section

(A) WHEREAS, ORS 166.370(1) makes it a Class C felony to intentionally possess a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building; and

(B) WHEREAS, ORS 166.370(2) excepts certain persons from the prohibition including peace officers and a person who is licensed under ORS 166.291 and 166.292; and

(C) WHEREAS, ORS 166.270(4) authorizes the presiding judge to prohibit a person licensed under ORS 166.291 and 166.292 from carrying a firearm in a courtroom, jury room, judge's chambers or areas adjacent thereto that the presiding judge determines should be free of firearms to insure the safety of the litigants, court personnel, witnesses and others; and

(D) WHEREAS, the Uniform Trial Court Rules 6.180 prohibits, unless otherwise ordered by the court, or unless a law enforcement officer, a person from possessing in a court facility a firearm, knife, device, or hazardous substance capable of inflicting death or physical injury; and

(E) WHEREAS, the presiding judge, Judge Jackson Frost, has requested personally (by letter dated March 21, 1994, Exhibit 1) and by and through the Trial Court Administrator (by letter dated November 26, 1993, Exhibit 2) that the prohibition against possessing dangerous instrumentalities described in ORS 166.370 be applied

to the entire premises of the Linn County Courthouse; and

(F) WHEREAS, the Linn County Board of Commissioners strongly support reasonable measures taken to protect the general public while visiting or doing business in the Linn County Courthouse; and,

3.070 Findings section

(A) Now, Therefore, the Linn County Board of Commissioners, finds that it is in the interests of the citizens of Linn County and a matter of utmost importance to protect the safety of the general public, not only that portion of the public who are participants in the judicial process, and

(B) the Board further finds that in order to protect the citizens of Linn County, the prohibition against possession of dangerous instrumentalities described in ORS 166.370 must not be limited to the court facilities comprising the courtroom, jury room, judge's chambers and those areas adjacent thereto, but must also be applied to the entire Linn County Courthouse premises, all of which are adjacent to those areas specifically described in the statute and court rule; and

II. Specific Provisions

3.100 Resolution concerning issuance of general orders

(A) Now, Therefore, the Linn County Board of Commissioners Resolves to urge the presiding judge to issue a general order (similar to Exhibit 3) applying the prohibition against possessing dangerous instrumentalities to the entire courthouse premises; the Board requests the presiding judge to provide a copy of the general order to the Office of the County Commissioners;

3.200 Resolution concerning notice

(A) the Board Further Resolves to allow the posting of notices (similar to Exhibit 4) throughout the entire courthouse premises warning the public against the possession of such dangerous instrumentalities.

3.800 Effective date of order

This order is effective on March 30, 1994.

References and Authorities:

Legislative History of Policy 3:

Adopted 94-141 eff 3/30/94

Amendments to 94-141

#1 none

Exhibit 1 —Letter of Judge Jackson Frost dated March 21, 1994

Exhibit 2 — Letter of Trial Court Administrator dated November 26, 1993

Exhibit 3 — Example of a General Order

NO WEAPONS ALLOWED

PURSUANT TO
UNIFORM TRIAL COURT RULE 6.180

NO PERSON, EXCEPT A
PEACE OFFICER,
SHALL POSSESS IN THIS FACILITY
A FIREARM OR WEAPON
(WEAPON AS DEFINED IN ORS 161.015 & 166.240)

PERSONS AND PROPERTY
MAY BE SUBJECT TO
SEARCH TO ENFORCE COMPLIANCE
WITH THIS RULE

Exhibit 5 — The Presiding Judge's General Order 94-0002 dated April 4, 1994

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