

# House Bill 3116

Sponsored by Representative THATCHER; Representatives BARKER, BOQUIST, BRUUN, BUTLER, CAMERON, DALLUM, FLORES, GIROD, JENSON, KRUMMEL, MAURER, MORGAN, RICHARDSON, SCHAUFLE, WHISNANT, WITT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person acting in official capacity during state of emergency from seizing firearm with intent to interfere with lawful possession of firearm. Prohibits state or local official from authorizing seizure with intent to interfere with lawful possession of firearms during state of emergency. Does not apply to seizure by person acting in official capacity during state of emergency if law enforcement officer could seize firearm under same circumstances during nonemergency period. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to firearm seizures.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 401.065 to**  
5 **401.085.**

6 **SECTION 2. (1) During a state of emergency declared under ORS 401.055, a law enforce-**  
7 **ment officer, member of the organized militia, emergency service worker or other person,**  
8 **while acting in a state or local official capacity, may not seize a firearm with the intent to**  
9 **interfere with the lawful possession of the firearm.**

10 **(2) Notwithstanding ORS 401.065, 401.095 and 401.115, during a state of emergency de-**  
11 **clared under ORS 401.055, a state or local official may not, with the intent to interfere with**  
12 **the lawful possession of firearms, issue an order, declaration or policy authorizing the sei-**  
13 **zure of firearms.**

14 **(3) Notwithstanding subsections (1) and (2) of this section, a law enforcement officer,**  
15 **member of the organized militia, emergency service worker or other person acting in a state**  
16 **or local official capacity during a state of emergency may seize a firearm if a law enforce-**  
17 **ment officer would be authorized to seize the firearm under the same circumstances during**  
18 **a period of nonemergency.**

19 **(4) Notwithstanding ORS 401.990, violation of subsection (1) or (2) of this section is a**  
20 **Class A misdemeanor.**

21 **SECTION 3. Section 2 of this 2007 Act applies to official actions taken during states of**  
22 **emergency declared on or after the effective date of this 2007 Act.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.