

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 1 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker
Nays:	Shields
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	4/21

WHAT THE MEASURE DOES: Allows a peace officer to cite an individual for using artificial light from a vehicle while in possession of a bow and arrow, rifle or other firearm. Clarifies the definition of a firearm to mean any weapon designed to expel a projectile by the action of powder. Eliminates the sunset in ORS 475.235 which provides that a certified copy of the forensic laboratory report signed by the analyst is prima facie evidence of the test results unless the defendant provides notice of an objection, in which case the state must produce the analyst at trial.

ISSUES DISCUSSED:

- Status of the law before *State v. Briney*
- No fiscal impact for *Briney* change
- Standards for forensic laboratory tests

EFFECT OF COMMITTEE AMENDMENT: Amendments deleted original bill.

BACKGROUND: The first set of amendments address Oregon State Police concerns regarding hunters using overhead lights from vehicles for night hunting. The second amendments address a recent court case, *State v. Briney*, 345 OR 505 (2008), in which the Oregon Supreme Court determined that the current definition of firearm (weapon designed to expel a projectile by action of powder and which *is readily capable of use* as a weapon) excluded guns without a firing pin. The change would clarify what constitutes a firearm for the crimes of felon in possession, unlawful possession of a weapon, first degree theft and unlawful paramilitary activity.