

House Bill 2536

Sponsored by COMMITTEE ON JUDICIARY (at the request of City of Medford, Oregon Association Chiefs of Police)

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**.

Expands robbery in first degree to include use of look-alike firearm.

Expands disorderly conduct in first degree to include delivery of unidentified substance with threatening message.

Expands felon in possession of restricted weapon to include taser and pepper spray.

A BILL FOR AN ACT

Relating to crime; creating new provisions; and amending ORS 164.415, 166.023 and 166.270.

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

SECTION 1. ORS 164.415 is amended to read:

164.415. (1) A person commits the crime of robbery in the first degree if the person violates ORS 164.395 and *[the person]*:

(a) Is armed with a deadly weapon;

(b) Uses or attempts to use a dangerous weapon; *[or]*

(c) Uses a look-alike firearm; or

[(c)] **(d)** Causes or attempts to cause serious physical injury to any person.

(2) Robbery in the first degree is a Class A felony.

(3) As used in this section, "look-alike firearm" means a device that substantially resembles a firearm or can reasonably be perceived to be a firearm.

SECTION 2. ORS 166.023 is amended to read:

166.023. (1) A person commits the crime of disorderly conduct in the first degree if, with intent to cause public inconvenience, annoyance or alarm, or knowingly creating a risk thereof[,]:

(a) The person initiates or circulates a report, knowing it to be false:

[(a)] **(A)** Concerning an alleged hazardous substance or an alleged or impending fire, explosion, catastrophe or other emergency; and

[(b)] **(B)** Stating that the hazardous substance, fire, explosion, catastrophe or other emergency is located in or upon a school as defined in ORS 339.315[.]; **or**

(b)(A) The person mails or effects delivery of an unidentified substance to a person, government office or business; and

(B) The mailing or delivery is accompanied by or coincides with a written or oral message that threatens the recipient's physical safety or well-being.

(2)(a) **Except as provided in paragraph (b) of this subsection,** disorderly conduct in the first degree is a Class A misdemeanor.

(b) *[Notwithstanding paragraph (a) of this subsection,]* Disorderly conduct in the first degree is a Class C felony if the defendant has at least one prior conviction for violating subsection (1) of this section.

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.

SECTION 3. ORS 166.270 is amended to read:

166.270. (1) [Any] A person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns or has in the person’s possession or under the person’s custody or control [any] a firearm commits the crime of felon in possession of a firearm.

(2) [Any] A person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns or has in the person’s possession or under the person’s custody or control [any] an instrument or weapon having a blade that projects or swings into position by force of a spring or by centrifugal force or [any] a blackjack, slungshot, sandclub, sandbag, sap glove or metal knuckles, or who carries a dirk, [dagger or stiletto,] a dagger, a stiletto, a taser or pepper spray, commits the crime of felon in possession of a restricted weapon.

(3) For the purposes of this section, a person “has been convicted of a felony” if, at the time of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. [Such conviction shall not be deemed] **For the purposes of this section, a conviction is not** a conviction of a felony if:

(a) The court declared the conviction to be a misdemeanor at the time of judgment; or

(b) The offense was possession of marijuana and the conviction was prior to January 1, 1972.

(4) Subsection (1) of this section does not apply to [any] a person:

(a)(A) Who has been[:]

[a] convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon having a blade that projects or swings into position by force of a spring or by centrifugal force[,and]; and

(B) Who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section; or

(b) **Who has been** granted relief from the disability under 18 U.S.C. 925(c) or **who** has had the person’s record expunged under the laws of this state or equivalent laws of another jurisdiction.

(5) Felon in possession of a firearm is a Class C felony. Felon in possession of a restricted weapon is a Class A misdemeanor.

SECTION 4. The amendments to ORS 164.415, 166.023 and 166.270 by sections 1, 2 and 3 of this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.