

# House Bill 2683

Sponsored by Representative ESQUIVEL; Representatives FREEMAN, GARRARD, HUFFMAN, JENSON, G SMITH, THOMPSON, WHISNANT (at the request of David Plummer)

## 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 possession of replica firearm on school grounds under certain circumstances. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to replica firearms; creating new provisions; and amending ORS 161.005.

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

4 **SECTION 1. (1) A person commits the crime of unlawful possession of a replica firearm**  
5 **if the person knowingly possesses a replica firearm in or on a school.**

6 **(2) Unlawful possession of a replica firearm is a Class C misdemeanor.**

7 **(3) It is a defense in a prosecution for violating subsection (1) of this section that the**  
8 **replica firearm:**

9 **(a) Is a starter pistol and is possessed for the purpose of athletic training or competition;**  
10 **or**

11 **(b) Is possessed in connection with a school-sanctioned:**

12 **(A) Theatrical performance; or**

13 **(B) Reserve officers' training corps or other similar program.**

14 **(4) As used in this section:**

15 **(a) "Firearm" has the meaning given that term in ORS 166.210.**

16 **(b) "Replica firearm" means an object that is so substantially similar in coloration and**  
17 **overall appearance to a firearm that it reasonably appears to be a firearm.**

18 **(c) "School" has the meaning given that term in ORS 339.315.**

19 **SECTION 2. ORS 161.005 is amended to read:**

20 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290  
21 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,  
22 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to  
23 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.215 to 163.257,  
24 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.505 to  
25 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305  
26 to 164.377, 164.395 to 164.415, 164.805, 164.886, 165.002 to 165.102, 165.109, 165.805, 166.005 to 166.095,  
27 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.054, 167.057, 167.060 to 167.100, 167.117,  
28 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350, 167.810 and 167.820 **and sec-**  
29 **tion 1 of this 2009 Act** shall be known and may be cited as Oregon Criminal Code of 1971.  
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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.