

# House Bill 2857

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

Increases punishment for second and subsequent convictions of unlawful possession of firearms. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

1 Relating to unlawful possession of a firearm; creating new provisions; and amending ORS 166.250.

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

3 **SECTION 1.** ORS 166.250 is amended to read:

4 166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274,  
5 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm  
6 if the person knowingly:

7 (a) Carries any firearm concealed upon the person;

8 (b) Possesses a handgun that is concealed and readily accessible to the person within any vehi-  
9 cle; or

10 (c) Possesses a firearm and:

11 (A) Is under 18 years of age;

12 (B)(i) While a minor, was found to be within the jurisdiction of the juvenile court for having  
13 committed an act which, if committed by an adult, would constitute a felony or a misdemeanor in-  
14 volving violence, as defined in ORS 166.470; and

15 (ii) Was discharged from the jurisdiction of the juvenile court within four years prior to being  
16 charged under this section;

17 (C) Has been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a  
18 felony;

19 (D) Was committed to the Department of Human Services under ORS 426.130; or

20 (E) Was found to be mentally ill and subject to an order under ORS 426.130 that the person be  
21 prohibited from purchasing or possessing a firearm as a result of that mental illness.

22 (2) This section does not prohibit:

23 (a) A minor, who is not otherwise prohibited under subsection (1)(c) of this section, from pos-  
24 sessed a firearm:

25 (A) Other than a handgun, if the firearm was transferred to the minor by the minor's parent or  
26 guardian or by another person with the consent of the minor's parent or guardian; or

27 (B) Temporarily for hunting, target practice or any other lawful purpose; or

28 (b) Any citizen of the United States over the age of 18 years who resides in or is temporarily  
29 sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270  
30 and subsection (1) of this section, from owning, possessing or keeping within the person's place of  
31

**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.

1 residence or place of business any handgun, and no permit or license to purchase, own, possess or  
2 keep any such firearm at the person's place of residence or place of business is required of any such  
3 citizen. As used in this subsection, "residence" includes a recreational vessel or recreational vehicle  
4 while used, for whatever period of time, as residential quarters.

5 (3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

6 (4)(a) Unlawful possession of a firearm is a Class A misdemeanor.

7 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of a firearm is**  
8 **a Class C felony if the person has a previous conviction for unlawful possession of a firearm**  
9 **or for a crime in another jurisdiction that, if committed in this state, would constitute un-**  
10 **lawful possession of a firearm as described in this section.**

11 **SECTION 2. The amendments to ORS 166.250 by section 1 of this 2009 Act apply to of-**  
12 **fenses committed on or after the effective date of this 2009 Act.**