

# Senate Bill 251

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## 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**.

Modifies crime of felon in possession of restricted weapon to include tasers.

## A BILL FOR AN ACT

1  
2 Relating to restricted weapons; creating new provisions; and amending ORS 166.270.

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

4 **SECTION 1.** ORS 166.270 is amended to read:

5 166.270. (1) Any person who has been convicted of a felony under the law of this state or any  
6 other state, or who has been convicted of a felony under the laws of the Government of the United  
7 States, who owns or has in the person's possession or under the person's custody or control any  
8 firearm commits the crime of felon in possession of a firearm.

9 (2) Any person who has been convicted of a felony under the law of this state or any other state,  
10 or who has been convicted of a felony under the laws of the Government of the United States, who  
11 owns or has in the person's possession or under the person's custody or control any instrument or  
12 weapon having a blade that projects or swings into position by force of a spring or by centrifugal  
13 force or any blackjack, slungshot, sandclub, sandbag, sap glove, [or] metal knuckles **or an**  
14 **Electro-Muscular Disruption Technology device as defined in ORS 165.540**, or who carries a  
15 dirk, dagger or stiletto, commits the crime of felon in possession of a restricted weapon.

16 (3) For the purposes of this section, a person "has been convicted of a felony" if, at the time  
17 of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it  
18 was committed. Such conviction shall not be deemed a conviction of a felony if:

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

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

21 (4) Subsection (1) of this section does not apply to any person who has been:

22 (a) Convicted of only one felony under the law of this state or any other state, or who has been  
23 convicted of only one felony under the laws of the United States, which felony did not involve  
24 criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon  
25 having a blade that projects or swings into position by force of a spring or by centrifugal force, and  
26 who has been discharged from imprisonment, parole or probation for said offense for a period of 15  
27 years prior to the date of alleged violation of subsection (1) of this section; or

28 (b) Granted relief from the disability under 18 U.S.C. 925(c) or has had the person's record  
29 expunged under the laws of this state or equivalent laws of another jurisdiction.

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

**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        **SECTION 2.** The amendments to ORS 166.270 by section 1 of this 2009 Act apply to con-  
2        duct occurring on or after the effective date of this 2009 Act.  
3        \_\_\_\_\_