

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	3 - 2 - 0
<b>Yeas:</b>	Bonamici, Dingfelder, Prozanski
<b>Nays:</b>	Boquist, Whitsett
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	2/2, 2/8

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**WHAT THE MEASURE DOES:** Removes the ability for all felons to petition a court to be allowed to purchase and possess firearms. Allows felons who have been released from prison for more than fifteen years with only one felony to petition a court to purchase and possess a firearm if the conviction did not involve a firearm (or switchblade knife) or criminal homicide. Allows petitions only in circuit court. Treats motorcycles, all terrain vehicles, and snowmobiles as vehicles without a trunk for purposes of whether a firearm is not accessible. Adds references to the Department of Human Services (DHS) to cover civil commitments that occurred before the law changed in 2009 to require civil commitments by either Oregon Health Authority or DHS . Removes the requirement that asset forfeiture counsel send a copy of each judgment to the Asset Forfeiture Oversight Committee. Contains duplicative language and effective dates to comply with HB 2853 (2009). Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Broadness of SB 603 (2009)
- Aligning the ability to purchase with the ability to possess
- Justice courts compared to circuit courts

**EFFECT OF COMMITTEE AMENDMENT:** Adds language to ORS 166.270 to clearly state that if a felon is barred from possessing a firearm but has only one felony that is fifteen years old that did not involve a firearm or switchblade knife, or criminal homicide they are allowed to petition a court to possess a firearm under ORS 166.274. Removes the ability to petition a justice court and instead only allows petitions to the circuit court. Treats motorcycles, all terrain vehicles and snowmobiles as vehicles that have no trunk for purposes of whether a firearm is readily accessible (the firearm must be enclosed in a lock box). Adds language to cover civil commitments that are either from Department of Human Services or Oregon Health Authority.

**BACKGROUND:** SB 1008A is meant to address an unintended effect of SB 603 which passed in the 2009 session. SB 603 allowed felons to petition to remove the misdemeanor felon in possession but in doing so opened up the ability for any felon to apply for relief from the misdemeanor. In addition, SB 603 allowed any felon to petition for relief from the felony felon in possession.

The statutes treat who can purchase a firearm and who can possess a firearm differently. Prior to SB 603 there were no restrictions on who could petition a court to purchase a firearm. However, for possessing a firearm, prior to SB 603: A felon was automatically excluded from the violation of felon in possession if they fit the 15 year criteria (and one felony not involving a firearm (or switchblade knife) and not criminal homicide) But, no felon could petition to remove the misdemeanor felon in possession for possessing a gun. This inconsistency was what SB 603 was meant to address.

SB 1008A requires a felon to meet the criteria: (15 year, one felony, not involving a firearm or switchblade knife, and not criminal homicide) before being able to petition the court to remove the bar on purchasing and possession of firearms.

2/8/2010 3:15:00 PM

***This summary has not been adopted or officially endorsed by action of the committee.***