

**75th OREGON LEGISLATIVE ASSEMBLY – 2010 Special Session**  
**STAFF MEASURE SUMMARY**  
**House Committee on Rules**

**MEASURE: SB 1064 A**  
**CARRIER: Rep. Barker**

**REVENUE:** No revenue impact

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

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Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 1
Yea:	Berger, Edwards, Garrard, Garrett, Hanna, Jenson, Nolan, Read, Roblan
Nays:	0
Exc.:	Gelser
Prepared By:	Cheyenne Ross, Administrator
Meeting Dates:	2/24

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**WHAT THE MEASURE DOES:** Permits convicted felon to petition for restoration of rights to purchase and possess firearms in circuit court. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Restoration of some convicted felons' rights to purchase and possess firearms
- Incongruence in law's treatment of a conviction for misdemeanor possession of firearms versus felony possession of firearms prior to passage of Senate Bill 603 (2009)
- Unintended effect of Senate Bill 603 that allows any felon to petition to restore gun rights
- State law has no effect on federal law

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original measure. Permits convicted felon to petition for restoration of rights to purchase and possess firearms in circuit court.

**BACKGROUND:** Senate Bill 1064A modifies law that allows felons to petition for restoration of gun rights by requiring them to file in circuit court, excluding justice courts.

Prior to Senate Bill 603 (2009), an anomaly in the law treated a felon convicted of *misdemeanor* possession of firearms more harshly than a felon convicted of *felony* possession of firearms, as it pertained to expungement of the conviction. The felon convicted of the misdemeanor had no opportunity to have the misdemeanor charge expunged, while the felony conviction for possession of firearms was automatically expunged, so long as the felon was not also convicted of felony crimes involving firearms or criminal homicide, and they had been out of prison more than 15 years.

Senate Bill 603 sought to allow felons convicted of misdemeanor firearms possession the opportunity to petition a court to expunge the misdemeanor, thereby allowing lawful possession of a firearm, but inadvertently opened up the petition process to any felon, regardless of the criteria that was previously in place. Senate Bill 1064A requires that such petitions be filed in circuit court.

2/24/2010 3:27:00 PM

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

Committee Services Form – 2010 Special Session