

House Bill 2796

Sponsored by Representative THATCHER (Pre-session filed.)

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**.

Provides that firearms, ammunition and firearm accessories that are manufactured and retained in Oregon are not subject to federal regulation.

Requires that firearms manufactured in Oregon be stamped with phrase "Made in Oregon."

Modifies crime of unlawfully purchasing a firearm.

A BILL FOR AN ACT

1
2 Relating to firearms; creating new provisions; and amending ORS 166.425.

3 Whereas the Tenth Amendment to the United States Constitution guarantees to the states and
4 their people all powers not granted to the federal government elsewhere in the Constitution and
5 reserves to the state and people of Oregon certain powers as they were understood at the time
6 Oregon was admitted to statehood in 1859; and

7 Whereas the Ninth Amendment to the United States Constitution guarantees to the people
8 rights not granted in the Constitution and reserves to the people of Oregon certain rights as they
9 were understood at the time that Oregon was admitted to statehood in 1859; and

10 Whereas the regulation of intrastate commerce is vested in the states under the Ninth and
11 Tenth Amendments to the United States Constitution; and

12 Whereas the Second Amendment to the United States Constitution reserves to the people the
13 right to keep and bear arms as that right was understood at the time that Oregon was admitted to
14 statehood in 1859; and

15 Whereas section 27, Article I of the Oregon Constitution, clearly secures to Oregon residents,
16 and prohibits government interference with, the right to bear arms for the defense of themselves;
17 and

18 Whereas the guaranty of the rights described in the Second, Ninth and Tenth Amendments to
19 the United States Constitution is a matter of contract between the state and people of Oregon and
20 the United States as of the time that the United States and Oregon agreed upon and adopted the
21 compact in 1859; now, therefore,

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

23 **SECTION 1. As used in sections 1 to 3 of this 2011 Act:**

24 **(1) "Basic materials" includes unmachined steel and unshaped wood.**

25 **(2) "Central metallic part" includes the receiver or frame of a firearm.**

26 **(3) "Firearm" has the meaning given that term in ORS 166.210.**

27 **(4) "Firearm accessories" means items that are used in conjunction with or mounted**
28 **upon a firearm and that are not essential to the basic function of the firearm. "Firearm ac-**
29 **cessories" includes telescopic or laser sights, flash or sound suppressors, folding or**
30 **aftermarket stocks and grips, speedloaders, ammunition carriers and lights for target illu-**

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 **mination.**

2 (5) **“Insignificant parts” includes springs, screws, nuts and pins.**

3 (6) **“Manufactured” means the creation of an item from basic materials for functional**
4 **usefulness. “Manufactured” includes forging, casting, machining and other processes for**
5 **working materials.**

6 **SECTION 2. The Legislative Assembly finds and declares that:**

7 (1) **Personal firearms, ammunition and firearm accessories that are manufactured in**
8 **Oregon and remain in Oregon have not traveled in interstate commerce.**

9 (2) **Insignificant parts used in the manufacture of firearms that have other manufactur-**
10 **ing or consumer product applications are not firearms, ammunition or firearms accessories,**
11 **and importation of the parts into Oregon and incorporation into a firearm, ammunition or**
12 **firearm accessory manufactured in Oregon does not subject the firearm, ammunition or**
13 **firearm accessory to federal regulation.**

14 (3) **Basic materials used in the manufacture of firearms are not firearms, ammunition**
15 **or firearms accessories and are not subject to federal authority to regulate firearms, am-**
16 **munition or firearms accessories in interstate commerce as if those materials were actually**
17 **firearms, ammunition or firearms accessories. The authority of the federal government to**
18 **regulate interstate commerce in basic materials does not include the authority to regulate**
19 **firearms, ammunition and firearms accessories made in Oregon from these basic materials.**

20 (4) **Firearms accessories that are imported into Oregon from another state and that are**
21 **subject to federal regulation do not subject a firearm to federal regulation under interstate**
22 **commerce because they are attached to or used in conjunction with a firearm in Oregon.**

23 **SECTION 3. (1) Personal firearms, ammunition and firearms accessories are not subject**
24 **to the authority of the federal government to regulate interstate commerce and are exempt**
25 **from federal law if the firearm, ammunition or accessory:**

26 (a) **Is manufactured in Oregon from basic materials;**

27 (b) **Is manufactured without the inclusion of significant parts imported from another**
28 **state; and**

29 (c) **Remains in Oregon.**

30 (2) **This section does not apply to:**

31 (a) **A firearm that cannot be carried and used by one person.**

32 (b) **A firearm that has a bore diameter greater than one and one-half inches and that**
33 **uses smokeless powder as a propellant.**

34 (c) **Ammunition with a projectile that explodes using an explosion of chemical energy**
35 **after the projectile leaves the firearm.**

36 (d) **A firearm, other than a shotgun, that discharges two or more projectiles with one**
37 **application of the trigger or other firing device.**

38 **SECTION 4. A firearm described in section 3 (1) of this 2011 Act that is manufactured in**
39 **Oregon must have the words “Made in Oregon” clearly stamped on a central metallic part.**

40 **SECTION 5. ORS 166.425 is amended to read:**

41 166.425. (1) **A person commits the crime of unlawfully purchasing a firearm if the person,**
42 **knowing that the person is prohibited by state [or federal] law from owning or possessing the firearm**
43 **or having the firearm under the person’s custody or control, purchases or attempts to purchase the**
44 **firearm.**

45 (2) **Unlawfully purchasing a firearm is a Class A misdemeanor.**

1 **SECTION 6.** (1) Sections 1 to 4 of this 2011 Act apply to firearms, ammunition and
2 firearm accessories manufactured on or after the effective date of this 2011 Act.

3 (2) The amendments to ORS 166.425 by section 5 of this 2011 Act apply to conduct oc-
4 ccurring on or after the effective date of this 2011 Act.

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