

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

House Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO: Ways and Means

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Whitney Perez, Counsel

Meeting Dates: 2/3

WHAT THE MEASURE DOES: Requires person convicted of unlawful possession of a firearm serve 10 days’ mandatory minimum sentence. Requires person convicted of felon in possession of a firearm serve 120 days mandatory minimum sentence or a 300 day mandatory minimum sentence if person previously incarcerated in physical custody to Department of Corrections.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) Amendment clarifies that 300 day minimum sentence applies to persons who served sentence in physical custody of Department of Corrections or served sentence of over one continuous year in prison or other correctional facility in another state or federal government.

BACKGROUND: ORS 166.250 governs when a person commits the A misdemeanor crime of unlawful possession of a firearm. It sets forth a number of ways this crime is committed, such as carrying a concealed firearm upon your person or possessing a handgun concealed and readily accessible to a person within a vehicle. It also provides for a number of exceptions to this crime. ORS 166.270 governs when a person commits the C felony crime of felon in possession of a firearm and the A misdemeanor crime of felon in possession of a restricted weapon.

House Bill 4045 mandates that persons convicted of Unlawful Possession of a Firearm (misdemeanor) must serve a mandatory minimum sentence of 10 days’ incarceration. A court may not suspend this sentence and it is in addition to any other sentence that may be imposed. HB 4045 also mandates that a person convicted of felon in possession of a firearm serve either a 120 day or 300 day mandatory minimum sentence, which may not be suspended, in addition to any other sentence that may be imposed. A person would be subject to the 300 day sentence if that person has previously been incarcerated in the physical custody of the Department of Corrections.