

**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, 2/10**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:**

- Discussion of mandatory minimum sentencing
- Discussion of what actions would encompass these crimes.
- Concern over risk of unlawful possession of firearms

**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-3) Amendment reduces the minimum sentence to eight days for a conviction of Unlawful Possession of a Firearm. It also reduces the minimum sentence for conviction of Felon in Possession of a Firearm to 30 days. Finally, the (-3) Amendment eliminates the enhanced sentence for conviction of Felon in Possession of a Firearm when the defendant has previously been incarcerated in the custody of the Department of Corrections.

**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.

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

Committee Services Form – 2015 Regular Session