

April 12, 2017



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**Oregon Progressive Party
Position on Bill at 2017
Session of Oregon Legislature:**

SB 897: Oppose (and oppose the amended version)

Dear Committee:

The Oregon Progressive Party opposes this bill, which is very poorly drafted.

The original version would allow a felony conviction of a person who temporarily "occupies publicly owned premises" and then leaves immediately upon being instructed to do so by a law enforcement officer, if it turns out that at least one of the "occupying persons" was in possession of a firearm at the time. This conviction carries up to 5 years in prison and a \$125,000 fine. The person is deemed guilty of this "militia terrorism," even if the person had no knowledge that anyone had a gun and even if the person left the scene long before the gun was discovered. One wonders whether opponents of a sit-in protest might infiltrate into it a person with a gun in order to render all of the other protesters (perhaps hundreds or more) into Class C felons.

The bill does not define "occupies."

The proposed -1 amendment is better but still defective. It would allow felony conviction of anyone who, with at least 9 other persons, occupies publicly owned premises "and the person has knowledge of the following circumstances":

- a law enforcement officer "or a person in charge of the premises informs at least one of the occupying persons that all occupying persons must leave the premises";
- at least one occupier remains on the premises for another 48 hours;
- at least two of the occupiers possess a firearm while occupying; and
- at least one of the occupiers brandishes the firearm during the occupation

So let's say Mary attends a protest that amounts to occupying a publicly owned premise. The protesters are ordered to leave but do not. Mary sees two occupiers openly display "a firearm" (not necessary to display 2 of them). She immediately leaves. She can be charged with a Class C felony, under the language of the -1 amendment.

The bill obviously needs work. It needs a definition of "occupies." If there is to be a felony for occupying a public premise, it should apply to the persons possessing or brandishing firearms.

Oregon Progressive Party

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