

House Bill 3223

Sponsored by Representative PILUSO; Representatives DOHERTY, KENY-GUYER, SANCHEZ, Senators FREDERICK, MONNES ANDERSON, STEINER HAYWARD, TAYLOR

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**.

Requires person who owns assault weapon on effective date of Act to register assault weapon or take other specified action within one year of effective date of Act. Defines terms. Punishes violation by maximum of \$2,000 fine, or by maximum of six months' imprisonment, \$2,500 fine, or both, for second and subsequent convictions.

Prohibits manufacture, transfer or possession of assault weapon except in specified circumstances. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Requires report of loss or theft of assault weapon. Punishes failure to report by maximum of 364 days' imprisonment, \$6,250 fine, or both. Provides that information in report may not be used in prosecution for possession or transfer of assault weapon.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to assault weapons; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 7 of this 2019 Act are added to and made a part of ORS 166.250**
5 **to 166.270.**

6 **SECTION 2. The people of the State of Oregon find and declare that a reduction in the**
7 **availability of assault weapons will promote the public health and safety of the residents of**
8 **this state.**

9 **SECTION 3. As used in sections 2 to 7 of this 2019 Act:**

10 (1) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

11 (2) "Assault weapon":

12 (a) Means the following semiautomatic rifles:

13 (A) All AK series including, but not limited to, the models identified as follows:

14 (i) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S and 86S.

15 (ii) Norinco 56, 56S, 84S and 86S.

16 (iii) Poly Technologies AKS and AK47.

17 (iv) MAADI AK47 and ARM.

18 (B) UZI and Galil.

19 (C) Beretta AR-70.

20 (D) CETME Sporter.

21 (E) Colt AR-15 series.

22 (F) Daewoo K-1, K-2, Max 1, Max 2, AR 100 and AR 110C.

23 (G) Fabrique Nationale FAL, LAR, FNC, 308 Match and Sporter.

24 (H) MAS 223.

25 (I) HK-91, HK-93, HK-94 and HK-PSG-1.

26 (J) The following MAC types:

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 (i) RPB Industries Inc. sM10 and sM11.
- 2 (ii) SWD Incorporated M11.
- 3 (K) SKS with detachable magazine.
- 4 (L) SIG AMT, PE-57, SG 550 and SG 551.
- 5 (M) Springfield Armory BM59 and SAR-48.
- 6 (N) Sterling MK-6.
- 7 (O) Steyer AUG.
- 8 (P) Valmet M62S, M71S and M78S.
- 9 (Q) Armalite AR-180.
- 10 (R) Bushmaster Assault Rifle.
- 11 (S) Calico M-900.
- 12 (T) J&R ENG M-68.
- 13 (U) Weaver Arms Nighthawk.
- 14 (b) Means the following semiautomatic pistols:
- 15 (A) UZI.
- 16 (B) Encom MP-9 and MP-45.
- 17 (C) The following MAC types:
- 18 (i) RPB Industries Inc. sM10 and sM11.
- 19 (ii) SWD Incorporated M-11.
- 20 (iii) Advance Armament Inc. M-11.
- 21 (iv) Military Armament Corp. Ingram M-11.
- 22 (D) Intratec TEC-9.
- 23 (E) Sites Spectre.
- 24 (F) Sterling MK-7.
- 25 (G) Calico M-950.
- 26 (H) Bushmaster Pistol.
- 27 (c) Means the following shotguns:
- 28 (A) Franchi SPAS 12 and LAW 12.
- 29 (B) Striker 12.
- 30 (C) The Streetsweeper type S/S Inc. SS/12.
- 31 (d) Includes any type, series or model of a firearm that is a variation, with minor dif-
- 32 ferences, of a firearm model described in paragraphs (a) to (c) of this subsection, regardless
- 33 of the manufacturer.
- 34 (e) Means a semiautomatic, centerfire rifle that has the capacity to accept a detachable
- 35 magazine and any one of the following:
- 36 (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- 37 (B) A thumbhole stock.
- 38 (C) A folding or telescoping stock.
- 39 (D) A grenade launcher or flare launcher.
- 40 (E) A flash suppressor.
- 41 (F) A forward pistol grip.
- 42 (f) Means a semiautomatic, centerfire rifle that has a fixed magazine with the capacity
- 43 to accept more than 10 rounds.
- 44 (g) Means a semiautomatic, centerfire rifle that has an overall length of less than 30
- 45 inches.

1 (h) Means a semiautomatic pistol that has the capacity to accept a detachable magazine
2 and any one of the following:

3 (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip or
4 silencer.

5 (B) A second handgrip.

6 (C) A shroud that is attached to, or partially or completely encircles, the barrel that al-
7 lows the bearer to fire the weapon without burning the bearers hand, except a slide that
8 encloses the barrel.

9 (D) The capacity to accept a detachable magazine at some location outside of the pistol
10 grip.

11 (i) Means a semiautomatic pistol with a fixed magazine that has the capacity to accept
12 more than 10 rounds.

13 (j) Means a semiautomatic shotgun that has both of the following:

14 (A) A folding or telescoping stock; and

15 (B) A pistol grip that protrudes conspicuously beneath the action of the weapon,
16 thumbhole stock or vertical handgrip.

17 (k) Means a semiautomatic shotgun that has the ability to accept a detachable magazine.

18 (L) Means a shotgun with a revolving cylinder.

19 (m) Does not include the following:

20 (A) A firearm specified on the list of pistols established by Department of State Police
21 rule adopted pursuant to section 4 of this 2019 Act.

22 (B) An antique firearm.

23 (C) Any firearm that has been made permanently inoperable.

24 (3) "Criminal background check" has the meaning given that term in ORS 166.432.

25 (4) "Detachable magazine" means an ammunition feeding device that can be loaded or
26 unloaded while detached from a firearm and readily inserted into a firearm.

27 (5) "Fixed magazine" means an ammunition feeding device contained in or permanently
28 attached to a firearm in such a manner that the device cannot be removed without disas-
29 ssembly of the firearm action.

30 **SECTION 4.** (1) The Legislative Assembly finds that there is a significant public purpose
31 in exempting from the prohibition of assault weapons those pistols that are designed ex-
32 pressly for use in target shooting events at the Olympic Games.

33 (2) The Department of State Police shall by rule:

34 (a) Establish and maintain a list of pistols that are sanctioned by the International
35 Olympic Committee and by the national governing body for international shooting competi-
36 tion in the United States, that are used for Olympic target shooting purposes on or after
37 January 1, 2001, and that would otherwise fall within the definition of assault weapon.

38 (b) Establish and maintain a list of pistols developed after the effective date of this 2019
39 Act that are used in international shooting competitions and that would otherwise fall within
40 the definition of assault weapon. The exempt pistols may be based on recommendations by
41 the national governing body for international shooting competition in the United States or
42 consistent with the regulations contained in the official rules of the governing body, or based
43 on the recommendation or rules of any other organization that the department determines
44 appropriate.

45 **SECTION 5.** (1) A person who, as of the effective date of this 2019 Act, lawfully owns an

1 assault weapon shall, within one year after the effective date of this 2019 Act, register each
 2 assault weapon owned by the person with the Department of State Police as follows:

3 (a) The person shall provide the department accurate information sufficient to identify
 4 the person, including but not limited to the person's name, address, date of birth and any
 5 other information required by the department;

6 (b) The person shall provide to the department the serial or other identification number
 7 of the assault weapon and any other permanent uniquely identifying information about the
 8 assault weapon;

9 (c) The person shall provide any additional information requested by the department to
 10 establish that the person registering the assault weapon is the lawful owner of the assault
 11 weapon; and

12 (d) The person shall consent to a criminal background check to confirm that the person
 13 is not prohibited from possessing the assault weapon under state or federal law.

14 (2)(a) The Department of State Police shall develop a form for use in registering assault
 15 weapons under this section that requires sufficient information to identify the owner of the
 16 assault weapon. The department shall establish a system for efficiently registering assault
 17 weapons under this section. The form and the registration system may be electronic.

18 (b) The department may adopt a fee schedule, consistent with ORS 166.414, for criminal
 19 background checks performed under this section. The department may charge a fee for reg-
 20 istering an assault weapon under this section so long as the fee does not exceed the actual
 21 cost of the registration process.

22 (c) The department shall conduct a criminal background check for a person registering
 23 an assault weapon under this section.

24 (d) The department shall maintain a registry of the information obtained during the
 25 registration process under this section and shall adopt rules concerning the administration
 26 of the registry, including but not limited to renewal and revocation procedures.

27 (e) The record of the information collected for registration under this section is exempt
 28 from disclosure under the public records law.

29 (3) A person who, as of the effective date of this 2019 Act, is lawfully in possession of an
 30 assault weapon, but who does not register the assault weapon under subsection (1) of this
 31 section shall, within one year after the effective date of this 2019 Act, take one of the fol-
 32 lowing actions with respect to each assault weapon in the person's possession:

33 (a) Permanently remove the assault weapon from this state;

34 (b) Sell the assault weapon to a firearms dealer licensed under 18 U.S.C. 923;

35 (c) Turn in the assault weapon to a law enforcement agency for destruction; or

36 (d) Render the assault weapon permanently inoperable.

37 (4)(a) A person who acquires a registered assault weapon by inheritance, bequest or
 38 succession, or by virtue of the person's role as executor or other legal representative of an
 39 estate or trust, shall, within one year after acquiring ownership:

40 (A) If eligible, successfully complete an updated registration of the assault weapon and
 41 a criminal background check under subsection (1) of this section;

42 (B) Permanently remove the assault weapon from this state;

43 (C) Sell the assault weapon to a firearms dealer licensed under 18 U.S.C. 923;

44 (D) Turn in the assault weapon to a law enforcement agency for destruction; or

45 (E) Render the assault weapon permanently inoperable.

1 (b) A person who acquires a registered assault weapon under the circumstances de-
 2 scribed in paragraph (a) of this subsection is immune from prosecution for the possession
 3 of the assault weapon for one year after acquiring the assault weapon.

4 (5)(a) The possession of an assault weapon, lawfully possessed as of the effective date of
 5 this 2019 Act, in violation of this section is a Class A violation.

6 (b) Notwithstanding paragraph (a) of this subsection, the possession of an assault
 7 weapon, lawfully possessed as of the effective date of this 2019 Act, in violation of this sec-
 8 tion is a Class B misdemeanor if, at the time of the unlawful possession, the person has one
 9 or more prior convictions under this section.

10 **SECTION 6.** (1) Notwithstanding any other provision of ORS 166.250 to 166.270 and 166.410
 11 to 166.470, and except as provided in this section and section 5 of this 2019 Act, a person
 12 commits the crime of unlawful manufacture, transfer or possession of an assault weapon if
 13 the person manufactures, imports, possesses, purchases, sells or otherwise transfers an as-
 14 sult weapon after the effective date of this 2019 Act.

15 (2) The owner of an assault weapon registered under section 5 of this section may not
 16 transfer the assault weapon to any other person except to:

17 (a) A firearms dealer licensed under 18 U.S.C. 923;

18 (b) A person licensed under 18 U.S.C. 923 who is employed as a gunsmith, for the repair
 19 of the assault weapon or to sell the assault weapon as permitted under section 5 of this 2019
 20 Act; or

21 (c) A law enforcement agency for destruction.

22 (3) Except as provided in subsection (4) of this section, the owner of an assault weapon
 23 registered under section 5 of this 2019 Act may not purchase or otherwise acquire an addi-
 24 tional assault weapon after the effective date of this 2019 Act.

25 (4) Subsection (1) of this section does not apply to:

26 (a) Any government officer, agent or employee, member of the Armed Forces of the
 27 United States or peace officer as that term is defined in ORS 133.005, if that person is not
 28 otherwise prohibited from acquiring or possessing an assault weapon and acquires or pos-
 29 sesses the assault weapon while acting within the scope of official duties;

30 (b) The manufacture of an assault weapon by a firearms manufacturer for the purpose
 31 of sale to any branch of the Armed Forces of the United States or to a law enforcement
 32 agency in this state, for use by that entity or its employees, provided that the manufacturer
 33 is properly licensed under federal, state and local law;

34 (c) The sale or transfer of an assault weapon by a firearms dealer licensed under 18
 35 U.S.C. 923 to any branch of the Armed Forces of the United States or to a law enforcement
 36 agency in this state for use by that entity or its employees for law enforcement purposes;
 37 or

38 (d) The temporary custody of an assault weapon by a firearms dealer licensed under 18
 39 U.S.C. 923 for repair and maintenance, provided that the assault weapon is registered as re-
 40 quired under section 5 of this 2019 Act.

41 (5) Unlawful manufacture, transfer or possession of an assault weapon is a Class A
 42 misdemeanor.

43 **SECTION 7.** (1) The owner of an assault weapon shall report the loss or theft of the as-
 44 sult weapon to the appropriate law enforcement agency as soon as possible and, in any
 45 event, no later than within 48 hours of the discovery of the loss or theft.

1 **(2) Failing to report the loss or theft of an assault weapon as required by this section is**
2 **a Class A misdemeanor.**

3 **(3) Information contained in a report made in accordance with subsection (1) of this**
4 **section may not be used as evidence in any prosecution under section 5 or 6 of this 2019 Act.**

5 **SECTION 8.** **This 2019 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
7 **on its passage.**

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