

House Bill 4149

Sponsored by Representative MORGAN, Senators HANSELL, THATCHER, Representatives LEVY, RESCHKE, SCHARF, SMITH G, Senator HEARD; Representatives BOSHART DAVIS, CATE, GOODWIN, SMITH DB (Presession 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 person or public body that establishes gun-free zone is liable for damages resulting from certain crimes committed in gun-free zone, if reasonable person would believe that possession of firearm could have helped individual defend against crime.

A BILL FOR AN ACT

1 Relating to liability for crimes committed in gun-free zones.

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

SECTION 1. (1) As used in this section:

4 (a) **"Gun-free zone" means any building, place, area or curtilage that is open to the**
5 **public, or in or upon any public conveyance, where a person's right or ability to keep arms**
6 **or to bear arms is infringed, restricted or diminished in any way by statute, policy, rule,**
7 **regulation, ordinance, utterance or posted signs.**

8 (b) **"Minority" means an individual:**

9 (A) **Who has origins in one of the black racial groups of Africa but who is not Hispanic;**

10 (B) **Who is of Hispanic culture or origin;**

11 (C) **Who has origins in any of the original peoples of the Far East, Southeast Asia, the**
12 **Indian subcontinent or the Pacific Islands; or**

13 (D) **Who is an American Indian or Alaska Native having origins in one of the original**
14 **peoples of North America.**

15 (c) **"Public body" has the meaning given that term in ORS 174.109.**

16 (d) **"Terrorism" means activities that:**

17 (A) **Involve violent acts or acts dangerous to human life that are a violation of the**
18 **criminal laws of the United States or any state or that would be a criminal violation if**
19 **committed within the jurisdiction of the United States or of any state; and**

20 (B) **Appear to be intended to:**

21 (i) **Intimidate or coerce a civilian population;**

22 (ii) **Influence the policy of a government by intimidation or coercion; or**

23 (iii) **Affect the conduct of a government by assassination or kidnapping.**

24 (2) **A person or public body that creates a gun-free zone is liable for damages resulting**
25 **from a person felony or person Class A misdemeanor, as those terms are defined in the rules**
26 **of the Oregon Criminal Justice Commission, committed against an individual in the gun-free**
27 **zone, if a reasonable person would believe that possession of a firearm could have helped the**
28 **individual defend against the felony or misdemeanor.**

29 (3) **A prevailing plaintiff in an action under subsection (2) of this section is entitled to**

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 **treble damages if:**

2 **(a) The felony or misdemeanor constitutes terrorism;**

3 **(b) The victim of the felony or misdemeanor is a disabled person, a person 65 years of**
4 **age or older or a child under 16 years of age; or**

5 **(c) The felony or misdemeanor is committed because the person committing the felony**
6 **or misdemeanor perceives that the victim is a minority.**

7 **SECTION 2. Section 1 of this 2022 Act applies to crimes committed on or after the ef-**
8 **fective date of this 2022 Act.**

9
