

## HB 2572 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 03/20/23

**Action:** Without recommendation as to passage and be referred to Rules.

**Vote:** 8-2-0-0

**Yeas:** 8 - Andersen, Bynum, Chaichi, Conrad, Kropf, Reynolds, Tran, Wallan

**Nays:** 2 - Lewis, Morgan

**Fiscal:** Fiscal impact issued

**Revenue:** Revenue impact issued

**Prepared By:** Lucy Ohlsen, LPRO Analyst

**Meeting Dates:** 2/6, 3/20

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#### WHAT THE MEASURE DOES:

Modifies definition of "civil disorder" for crime of unlawful paramilitary activity; creates civil action for persons injured as a result of another person engaging in paramilitary activity. Takes effect on 91st day following adjournment sine die.

#### ISSUES DISCUSSED:

- History of current paramilitary activity statute
- Challenges to enforcement of current statute
- Balancing public safety and protection of constitutional rights

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

According to an Advisory Report released by the Oregon Secretary of State and Oregon Audits Division in March 2022, Oregon ranked sixth in the nation for the number of domestic violent extremist incidents between 2011 and 2020, with the number rising precipitously from 2019 to 2021. The U.S. Department of Justice is the governing entity that most often brings domestic terrorism and violent extremism charges against individuals. However, several states also have legislation defining and criminalizing such activity.

Oregon does not currently define or criminalize domestic terrorism or violent extremism, but since 1983, ORS 166.660 has provided that engaging in "unlawful paramilitary activity" is a Class C felony. Under the statute, a person engages in unlawful paramilitary activity one of two ways: (1) if they exhibit, display, or demonstrate to another person the use, application, or making of any firearm, explosive or other technique capable of causing injury or death, intending or knowing that it will be illegally used in a civil disorder; or (2) if they assemble with one or more people for the purpose of training, practicing, or receiving instruction in the use of any firearm, explosive, or other technique with the intent to engage in civil disorder. The statute contains several explicit exceptions including for practicing self-defense; lawful sports related to firearm instruction, practice and training; and activity of the State Department of Fish and Wildlife.

House Bill 2572 would modify the definition of "civil disorder" in ORS 166.660, seeking to clarify that civil disorder includes acts of intimidation or force by groups of armed persons that (1) interfere with government functioning, (2) assert authority over others without their consent, or (3) prevent others from exercising their constitutional rights. House Bill 2572 would also create a civil action for any person injured as a result of another person engaging in paramilitary activity. The civil action could be brought by the injured person or the Attorney General, and would allow for recovery of economic and noneconomic damages, injunctive and equitable relief, and

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reasonable attorney fees.