

**HB 2005 A STAFF MEASURE SUMMARY****House Committee On Judiciary****Action Date:** 03/30/23**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)**Vote:** 6-4-0-0**Yeas:** 6 - Andersen, Bynum, Chaichi, Kropf, Reynolds, Tran**Nays:** 4 - Conrad, Lewis, Morgan, Wallan**Fiscal:** Fiscal impact issued**Revenue:** Has minimal revenue impact**Prepared By:** Adrienne Anderson, LPRO Analyst**Meeting Dates:** 3/22, 3/22, 3/30**WHAT THE MEASURE DOES:**

Defines frame as the part of a handgun or variant of a handgun that provides housing or a structure for the primary energized component designed to hold back the hammer, striker, bolt or similar element, prior to initiation of the firing sequence, even if pins or other attachments are required to attach the component to the housing or structure. Defines receiver as the part of a rifle, shotgun or projectile weapon other than a handgun, that provides housing or a structure for the primary component designed to block or seal the breech prior to initiation of the firing sequence, even if pins or other attachments are required to connect the component to the housing or structure. Defines undetectable firearm as: a firearm constructed or produced, including through a 3-D printing process, entirely of nonmetal substances; that, after removal of grips, stocks and magazines, is not as detectable as a security exemplary by a walk-through metal detector calibrated to detect the security; or that includes a major component that, if subjected to inspection by the X-ray machines, would not generate an image that accurately depicts the shape of the component. Defines unfinished frame or receiver as a forging, casting, printing, extrusion, machined body or similar item that: is designed to or may readily be completed, assembled or otherwise converted to function as a frame or receiver; or is marketed or sold to the public to be completed, assembled or otherwise converted to function as a frame or receiver. Provides that an unfinished frame or receiver does not include a component designed and intended for use in an antique firearm. Prohibits a person from knowingly manufacturing or causing to be manufactured within the state, import in the state, or offer for sale, sell or transfer, an undetectable firearm and classifies the violation as a Class B felony. Prohibits a person from possessing an undetectable firearm and classifies the violation as a Class A misdemeanor, or a Class B felony if the person has one or more prior convictions for the same offense, and requires forfeiture of the undetectable firearm. Prohibits a person from knowingly possessing, offering for sale or transfer a firearm unless the firearm has been imprinted with a serial number by a federally licensed firearm manufacturer, importer or dealer, or a gunsmith and classifies the violation as a Class B violation, a Class A misdemeanor if the person has a prior conviction of the same offense, or a Class B felony if the person has two or more prior convictions of the same offense. Provides that the unlawful possession of an unserialized firearm does not apply to an antique firearm, firearms manufactured prior to October 22, 1968, firearms rendered permanently inoperable, a person licensed as a firearm manufacturer, or a gunsmith taking possession of the firearm to serialize it. Prohibits a person from knowingly importing in the state, offering for sale, selling or transferring an unfinished frame or receiver unless: the person is licensed as a firearm dealer; the name of the manufacturer and an individual serial number is conspicuously placed on the unfinished frame or receiver; and the person maintains records relating to the unfinished frame or receiver and classifies the violation as a Class B violation, a Class A misdemeanor if the person has a prior conviction of the same offense, or a Class B felony if the person has two or more prior convictions of the same offense. Prohibits a person from knowingly possessing an unfinished frame or receiver that is not

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serialized unless: the person is a federally licensed gun manufacturer and the unfinished frame or receiver is an unfinished part within a manufacturing process that includes serialization and classifies the violation as a Class B violation, a Class A misdemeanor if the person has a prior conviction of the same offense, or a Class B felony if the person has two or more prior convictions of the same offense. Delays penalty for possession of an unfinished frame or receiver until September 1, 2024. Provides that a person commits the crime of unlawful possession of a firearm if a person is prohibited under law from possessing a firearm and possesses an unfinished frame or receiver. Requires a permit to purchase an unfinished frame or receiver. Requires gun dealers to, when selling an unfinished frame or receiver, to provide the Department of Oregon State Police (OSP) with a description of the unfinished frame or receiver being transferred and are not permitted to transfer the unfinished frame or receiver unless the dealer receives a unique approval number from OSP. Permits a law enforcement agency to inspect the records of gun dealers relating to the transfer of unfinished frames or receivers. Provides that knowingly selling an unfinished frame or receiver to a person without a valid permit-to-purchase, or prior to receiving a unique approval number from OSP, is a Class A misdemeanor. Provides that a person commits the crime of unlawful possession of a firearm if the person is under 21 years of age. Permits a person who is at least 18 years of age and not otherwise prohibited from possessing a firearm to possess the following firearms: a single-shot rifle, whether centerfire or rimfire; a double-barreled shotgun; a repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or revolving action; a rifle with an attached tubular magazine designed to accept, and capable of operating only with, 0.22 caliber rimfire ammunition; a muzzleloader rifle; or a shotgun with a pump, break, level, revolving action (ORS 166.250 (2)(b)). Provides that it is an affirmative defense to a charge of unlawful possession of a firearm by a person under 21 years of age if the person owned the firearm prior to the effective date of the Act. Permits a minor to possess a firearm listed in ORS 166.250 (2)(b) if it was transferred to the minor by the parent or guardian or with the parent or guardian's consent for the purposes of hunting or target practice. Provides that a person may not intentionally sell, deliver or otherwise transfer a firearm when the transferor knows or reasonably should know that the recipient is under 21 years of age and classifies the violation as a Class A misdemeanor, but does not apply if a minor is transferred a firearm listed in ORS 166.250 (2)(b) by their parent or guardian or with the consent of the parent or guardian for the purposes of hunting and target practice. Provides that a public building includes the grounds adjacent to each such building. Provides that a policy adopted by a school or university board prohibiting firearms on school grounds also includes a building and adjacent grounds to the school grounds. Permits the governing body of a city, county, district, or any other entity that is considered a "municipal corporation" to adopt a policy, ordinance, or regulation providing that the affirmative defense of having a concealed handgun license does not apply to the possession of firearms within buildings and on grounds adjacent to buildings owned or controlled by the governing body. Requires a governing body that adopts such policy to: post a clearly visible sign, at all normal points of entry to the buildings and grounds subject to the policy, indicating that the affirmative defense does not apply; and post a notice on the governing body's website identifying all buildings and grounds subject to the policy. Declares emergency, effective upon passage.

### **ISSUES DISCUSSED:**

- Currently, local jurisdictions can prohibit open carry, but cannot prohibit concealed carry, including those with a concealed handgun license
- Doesn't require any jurisdiction to take action if they don't want to
- Those who are in the military or law enforcement and are under 21 years of age have an exemption
- Currently, people own unserialized firearms, frames, and receivers
- No clear definition for "grounds adjacent to buildings"

### **EFFECT OF AMENDMENT:**

Replaces the measure.

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### BACKGROUND:

Guns that are undetectable or unserialized are known as “ghost guns.” Ghost guns can also be obtained without a background check. According to the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), from 2016 to 2020, law enforcement agencies recovered 24,000 untraceable firearms. As of August 24, 2022, the federal government adopted rules requiring all unfinished frames and receivers to be serialized and sold through the legal background check process. The federal rules do not address undetectable firearms printed on 3D printers. Additionally the federal rules only regulate Federal Firearm License (FFL) holders--those engaged in the legal manufacture, import, sale, or dealing of firearms.

Oregon law does not regulate the manufacture, sale, or possession of ghost guns. Under current law, those who are between the ages of 18 and 20 are permitted to purchase and possess only shot guns and rifles. Those who are 21 years or older are permitted to purchase and possess all other firearms, including shot guns and rifles. Parents or guardians of minors, or another person with the parent or guardian's consent, may transfer a firearm, other than a handgun, to a minor or temporarily transfer any firearm to a minor for hunting, target practice, or any other lawful purpose. Senate Bill 554 (2021) expanded the authority of a city, county, metropolitan service district, or port operating a commercial airport to prohibit the possession of firearms within public buildings to individuals who were exempt from the prohibition due to holding a concealed handgun license. The definition of "public buildings" in SB 554 did not include the grounds adjacent to each such building.

House Bill 2005 A prohibits a person from knowingly manufacturing, importing, selling or transferring an undetectable firearm; prohibits a person from knowingly possessing, selling or transferring a firearm unless the firearm has been imprinted with a serial number by an FFL holder; prohibits a person from possessing an unfinished frame or receiver unless the person is an FFL dealer or it has been serialized and the name of the manufacturer imprinted on it; prohibits those under 21 years of age from possessing certain categories of firearms and permits those over 18 years of age to possess certain other categories of firearms; and authorizes governing bodies of certain public entities that own or control public buildings to adopt a policy, ordinance or regulation precluding the concealed handgun license affirmative defense to possession of firearms in public buildings and expands the definition of public buildings to include the grounds adjacent to each such building.