

A-Engrossed
House Bill 2572

Ordered by the House May 15
Including House Amendments dated May 15

Sponsored by Representative GRAYBER; Representatives ANDERSEN, DEXTER, NELSON, REYNOLDS (Pre-session 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.

[Expands definition of "civil disorder" for purposes of crime of unlawful paramilitary activity.]

Creates right of action for person injured by paramilitary activity. Authorizes Attorney General to bring civil action for injunctive relief against paramilitary activity **and authorizes use by Attorney General of investigative demands during investigation into paramilitary activity. Specifies exceptions.**

A BILL FOR AN ACT

1
2 Relating to paramilitary activity.

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

4 **SECTION 1. (1) A person or group of persons is subject to an action described in sub-**
5 **section (2) or (3) of this section for engaging in paramilitary activity if the person or group**
6 **of persons knowingly, while acting as part of a private paramilitary organization or on behalf**
7 **of or in furtherance of any objective of a private paramilitary organization:**

8 (a) **While armed with a deadly weapon, publicly patrols or drills;**

9 (b) **While armed with a dangerous or deadly weapon:**

10 (A) **Publicly engages in techniques capable of causing physical injury or death;**

11 (B) **Substantially disrupts governmental operations or a government proceeding;**

12 (C) **Assumes, exercises or asserts, without legal authorization, the functions, powers or**
13 **duties of:**

14 (i) **A law enforcement officer, including any sheriff, police officer, marshal or other peace**
15 **officer; or**

16 (ii) **Any local, city, county, state or federal official; or**

17 (D) **Interferes with another person and thereby:**

18 (i) **Prevents the other person, or attempts to prevent the other person, from engaging**
19 **in conduct in which the other person has a legal right to engage; or**

20 (ii) **Causes the other person, or attempts to cause the other person, to engage in conduct**
21 **from which the other person has a legal right to abstain; or**

22 (c) **Trains to engage in any activity described in paragraphs (a) or (b) of this subsection.**

23 (2)(a) **If the Attorney General has reasonable cause to believe that a person or group of**
24 **persons has engaged in, or is about to engage in, paramilitary activity as described in sub-**
25 **section (1) of this section, the Attorney General may bring a civil action in the name of the**
26 **State of Oregon for injunctive relief in Marion County Circuit Court or any other circuit**

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 court of this state.

2 (b)(A) If it appears to the Attorney General that a person has possession, custody or
3 control of any information, document or other material that is relevant to an investigation
4 of paramilitary activity as described in subsection (1) of this section, or that could lead to
5 the discovery of relevant information in an investigation of paramilitary activity as described
6 in subsection (1) of this section, the Attorney General may cause an investigative demand
7 to be served upon the person. The investigative demand may require the person:

8 (i) To appear and testify under oath at the time and place stated in the investigative de-
9 mand;

10 (ii) To answer written interrogatories; or

11 (iii) To produce relevant documentary material or physical evidence for examination at
12 the time and place stated in the investigative demand.

13 (B) An investigative demand under this paragraph shall be served in the manner provided
14 by ORS 646.622 and may be enforced in the manner provided by ORS 646.626.

15 (c) When conducting investigations under this section, the Attorney General may not
16 demand, collect or maintain information about the political, religious or social views, asso-
17 ciations or activities of any individual, group, association, organization, corporation, business
18 or partnership unless the information directly relates to an investigation into, and there are
19 reasonable grounds to suspect that the subject of the information is involved in, paramilitary
20 activity as described in subsection (1) of this section.

21 (3)(a) A person injured as a result of paramilitary activity as described in subsection (1)
22 of this section may bring a civil action, individually or jointly with other aggrieved persons,
23 in the appropriate court for relief against the person or persons who engaged in the
24 paramilitary activity.

25 (b) A plaintiff who prevails in a claim under this subsection may recover:

26 (A) Economic or noneconomic damages, as those terms are defined in ORS 31.705;

27 (B) Injunctive relief;

28 (C) Reasonable attorney fees; and

29 (D) Any other appropriate equitable relief.

30 (4) This section does not apply to:

31 (a) The Armed Forces of the United States or the National Guard, as those terms are
32 defined in 10 U.S.C. 101, or any regularly organized state militia or unorganized or reserve
33 militia called into service by a state or the United States, including a defense force author-
34 ized under 32 U.S.C. 109(c).

35 (b) A group of individuals that associates as a military organization solely for historical
36 purposes or fictional performances, or that parades in public as part of a bona fide veterans'
37 organization, so long as the group does not carry or use ammunition or explosives.

38 (c) Students in an education institution authorized by a state or federal government to
39 teach military science as a prescribed part of the course of instruction, when under the
40 supervision of a military instructor.

41 (d) Members of an organization that is authorized under state or federal law to provide
42 paramilitary, law enforcement or security services training or to engage in paramilitary ac-
43 tivity or the provision of law enforcement or security services, when performing the func-
44 tions authorized by law and, in the case of paramilitary activity and law enforcement
45 services, when under the direction and control of a governmental authority.

1 **(e) Any lawful activity of the State Department of Fish and Wildlife.**

2 **(f) Any activity intended to teach or practice self-defense or self-defense techniques, such**
3 **as karate clubs or self-defense clinics, and similar lawful activity.**

4 **(g) Any facility, program or lawful activity related to firearms instruction and training**
5 **intended to teach the safe handling and use of firearms, or any other lawful sports or ac-**
6 **tivities related to the individual recreational use or possession of firearms, including but not**
7 **limited to hunting activities, target shooting, self-defense, firearms collection or any organ-**
8 **ized activity, including but not limited to any hunting club, rifle club, rifle range or shooting**
9 **range, which does not include a criminal conspiracy as defined in ORS 161.450 or the knowl-**
10 **edge of or the intent to cause or further acts of physical violence or damage to persons or**
11 **property.**

12 **(5) As used in this section:**

13 **(a) “Dangerous weapon” has the meaning given that term in ORS 161.015.**

14 **(b) “Deadly weapon” has the meaning given that term in ORS 161.015.**

15 **(c) “Private paramilitary organization” means any group of three or more persons asso-**
16 **ciating under a command structure for the purpose of functioning in public or training to**
17 **function in public as a combat, combat support, law enforcement or security services unit.**

18 **(d) “State” means the District of Columbia or a state, commonwealth, territory or pos-**
19 **session of the United States.**

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