

House Bill 2572

Sponsored by Representative GRAYBER (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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to paramilitary activity; creating new provisions; and amending ORS 166.660.

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

4 **SECTION 1.** ORS 166.660 is amended to read:

5 166.660. (1) A person commits the crime of unlawful paramilitary activity if the person:

6 (a) Exhibits, displays or demonstrates to another person the use, application or making of any
7 firearm, explosive or incendiary device or [*any*] technique capable of causing injury or death to
8 persons and intends or knows that such firearm, explosive or incendiary device or technique will
9 be unlawfully employed for use in a civil disorder; or

10 (b) Assembles with one or more other persons for the purpose of training with, practicing with
11 or being instructed in the use of any firearm, explosive or incendiary device or technique capable
12 of causing injury or death to persons with the intent to unlawfully employ such firearm, explosive
13 or incendiary device or technique in a civil disorder.

14 (2)(a) Nothing in this section makes unlawful any act of any law enforcement officer performed
15 in the otherwise lawful performance of the officer's official duties.

16 (b) Nothing in this section makes unlawful any activity of the State Department of Fish and
17 Wildlife, or any activity intended to teach or practice self-defense or self-defense techniques, such
18 as karate clubs or self-defense clinics, and similar lawful activity, or any facility, program or lawful
19 activity related to firearms instruction and training intended to teach the safe handling and use of
20 firearms, or any other lawful sports or activities related to the individual recreational use or pos-
21 session of firearms, including but not limited to hunting activities, target shooting, self-defense,
22 firearms collection or any organized activity including, but not limited to any hunting club, rifle
23 club, rifle range or shooting range which does not include a conspiracy as defined in ORS 161.450
24 or the knowledge of or the intent to cause or further a civil disorder.

25 (3) Unlawful paramilitary activity is a Class C felony.

26 (4) As used in this section:

27 (a) "Civil disorder" means:

28 **(A)** Acts of physical violence by assemblages of three or more persons which cause damage or
29 injury, or immediate danger [*thereof*] **of damage or injury**, to the person or property of any other
30 individual; **or**

31 **(B)** Acts of intimidation or force by assemblages of three or more persons while armed

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 **with firearms, explosives, incendiary devices or other dangerous weapons that:**

2 (i) **Obstruct, impair or hinder the administration of law or other governmental or judicial**
 3 **function;**

4 (ii) **Assert authority or purport to assert authority over one or more other persons**
 5 **without the consent of the persons; or**

6 (iii) **Prevent the exercise of constitutional rights by one or more other persons.**

7 *[(b) "Firearm" has the meaning given that term in ORS 166.210.]*

8 *[(c)]* (b) **"Explosive"** means a chemical compound, mixture or device that is commonly used or
 9 intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous
 10 release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin,
 11 blasting caps and nitrojelly, but excluding fireworks as defined in ORS 480.111, black powder,
 12 smokeless powder, small arms ammunition and small arms ammunition primers.

13 (c) **"Firearm" has the meaning given that term in ORS 166.210.**

14 (d) **"Law enforcement officer"** means any duly constituted police officer of the United States,
 15 any state, any political subdivision of a state or the District of Columbia, and also includes members
 16 of the military reserve forces or National Guard as defined in [10 U.S.C. 101 (9)] **10 U.S.C.**
 17 **101(c)(1)**, members of the organized militia of any state or territory of the United States, the Com-
 18 monwealth of Puerto Rico or the District of Columbia not included within the definition of National
 19 Guard as defined by [10 U.S.C. 101 (9)] **10 U.S.C. 101(c)(1)**, members of the Armed Forces of the
 20 United States and such persons as are defined in ORS 161.015 (4) when in the performance of official
 21 duties.

22 **SECTION 2. (1)(a) Any person injured as a result of another person, or group of persons,**
 23 **engaging in paramilitary activity may bring a civil action against the other person or group**
 24 **of persons, individually or jointly with other aggrieved persons, in the appropriate court for**
 25 **relief.**

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

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

28 (B) **Injunctive relief;**

29 (C) **Reasonable attorney fees; and**

30 (D) **Any other appropriate equitable relief.**

31 (2) **If the Attorney General has reasonable cause to believe that any person or group of**
 32 **persons has engaged in or is about to engage in paramilitary activity, the Attorney General**
 33 **may initiate a civil action for injunctive relief in the appropriate court.**

34 (3)(a) **This section does not apply to any act of a law enforcement officer performed in**
 35 **the otherwise lawful performance of the officer's official duties.**

36 (b) **This section does not apply to any activity of the State Department of Fish and**
 37 **Wildlife, or any activity intended to teach or practice self-defense or self-defense techniques,**
 38 **such as karate clubs or self-defense clinics, and similar lawful activity, or any facility, pro-**
 39 **gram or lawful activity related to firearms instruction and training intended to teach the**
 40 **safe handling and use of firearms, or any other lawful sports or activities related to the in-**
 41 **dividual recreational use or possession of firearms, including but not limited to hunting ac-**
 42 **tivities, target shooting, self-defense, firearms collection or any organized activity including,**
 43 **but not limited to any hunting club, rifle club, rifle range or shooting range that does not**
 44 **include a conspiracy as described in ORS 161.450 or the knowledge of or the intent to cause**
 45 **or further a civil disorder.**

1 (4) As used in this section:

2 (a) "Civil disorder" means:

3 (A) Acts of physical violence by assemblages of three or more persons which cause
4 damage or injury, or immediate danger of damage or injury, to the person or property of any
5 other individual; or

6 (B) Acts of intimidation or force by assemblages of three or more persons while armed
7 with firearms, explosives, incendiary devices or other dangerous weapons that:

8 (i) Obstruct, impair or hinder the administration of law or other government or judicial
9 function;

10 (ii) Assert authority or purport to assert authority over one or more other persons
11 without the consent of the persons; or

12 (iii) Prevent the exercise of constitutional rights by one or more other persons.

13 (b) "Explosive" has the meaning given that term in ORS 166.660.

14 (c) "Firearm" has the meaning given that term in ORS 166.210.

15 (d) "Law enforcement officer" has the meaning given that term in ORS 166.660.

16 (e) "Paramilitary activity" means:

17 (A) A person, while acting as part of a private paramilitary organization or on behalf of
18 or in furtherance of any objectives of a private paramilitary organization, exhibiting, dis-
19 playing or demonstrating to another person the use, application or making of any firearm,
20 explosive or incendiary device or technique capable of causing injury or death to persons,
21 who intends or knows that such firearm, explosive or incendiary device or technique will be
22 unlawfully employed for use in a civil disorder;

23 (B) An assembly of two or more persons for the purpose of training with, practicing with
24 or being instructed in the use of any firearm, explosive or incendiary device or technique
25 capable of causing injury or death to persons with the intent to unlawfully employ such
26 firearm, explosive or incendiary device or technique in a civil disorder; or

27 (C) Three or more members of a private paramilitary organization engaging in a civil
28 disorder.

29 (f) "Private paramilitary organization" means any group of three or more persons asso-
30 ciating under a command structure for the purpose of functioning in public, or training to
31 function in public, as a combat, combat support, law enforcement or security services unit.

32 **SECTION 3.** Section 2 of this 2023 Act and the amendments to ORS 166.660 by section 1
33 of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.

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