

House Bill 3077

Sponsored by Representatives CATE, LEVY B

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**.

Directs Oregon Criminal Justice Commission to classify crime of felon in possession of a firearm as crime category 8.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to felon in possession of a firearm; amending ORS 166.270; and prescribing an effective
3 date.

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

5 **SECTION 1.** ORS 166.270 is amended to read:

6 166.270. (1) Any person who has been convicted of a felony under the law of this state or any
7 other state, or who has been convicted of a felony under the laws of the Government of the United
8 States, who owns or has in the person's possession or under the person's custody or control any
9 firearm commits the crime of felon in possession of a firearm.

10 (2) Any person who has been convicted of a felony under the law of this state or any other state,
11 or who has been convicted of a felony under the laws of the Government of the United States, who
12 owns or has in the person's possession or under the person's custody or control any instrument or
13 weapon having a blade that projects or swings into position by force of a spring or by centrifugal
14 force or any blackjack, slungshot, sandclub, sandbag, sap glove, metal knuckles or an Electro-
15 Muscular Disruption Technology device as defined in ORS 165.540, or who carries a dirk, dagger
16 or stiletto, commits the crime of felon in possession of a restricted weapon.

17 (3) For the purposes of this section, a person "has been convicted of a felony" if, at the time
18 of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it
19 was committed. Such conviction shall not be deemed a conviction of a felony if:

20 (a) The court declared the conviction to be a misdemeanor at the time of judgment; or

21 (b) The offense was possession of marijuana and the conviction was prior to January 1, 1972.

22 (4) Subsection (1) of this section does not apply to any person who has been:

23 (a) Convicted of only one felony under the law of this state or any other state, or who has been
24 convicted of only one felony under the laws of the United States, which felony did not involve
25 criminal homicide, as defined in ORS 163.005, or the possession or use of a firearm or a weapon
26 having a blade that projects or swings into position by force of a spring or by centrifugal force, and
27 who has been discharged from imprisonment, parole or probation for said offense for a period of 15
28 years prior to the date of alleged violation of subsection (1) of this section; or

29 (b) Granted relief from the disability under 18 U.S.C. 925(c) or ORS 166.274 or has had the
30 person's record expunged under the laws of this state or equivalent laws of another jurisdiction.

31 (5) Felon in possession of a firearm is a Class C felony. Felon in possession of a restricted

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 weapon is a Class A misdemeanor.

2 **(6) The Oregon Criminal Justice Commission shall classify the crime of felon in pos-**
3 **session of a firearm as crime category 8 of the sentencing guidelines grid of the commission.**

4 **SECTION 2. This 2023 Act takes effect on the 91st day after the date on which the 2023**
5 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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