

B-Engrossed
Senate Bill 473

Ordered by the House May 28
Including Senate Amendments dated April 11 and House Amendments
dated May 28

Sponsored by Senator PROZANSKI; Senators MANNING JR, WEBER, Representative FRAGALA (at the request of City of Eugene) (Presession 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes it a crime for a person who has been convicted of menacing a public official to have a gun. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 74.2).

[Digest: The Act creates a new crime of threatening a public official. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 75.3).]

[Creates the crime of threatening a public official. Punishes by a maximum of 364 days' imprisonment, \$6,250 fine, or both, for the first offense, and a maximum of five years' imprisonment, \$125,000 fine, or both, for subsequent offenses.]

Prohibits the possession of a firearm by a person convicted of menacing a public official. Punishes the unlawful possession by a maximum of 364 days' imprisonment, \$6,250 fine, or both. Specifies procedures for the court to follow concerning the prohibition and a process for the person to surrender firearms.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 166.255 and 166.259; and declaring an emergency.

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

4 **SECTION 1.** ORS 166.255 is amended to read:

5 166.255. (1) It is unlawful for a person to knowingly possess a firearm or ammunition if:

6 (a) The person is the subject of a court order that:

7 (A)(i) Was issued or continued after a hearing for which the person had actual notice and during
8 the course of which the person had an opportunity to be heard; or

9 (ii) Was issued, continued or remains in effect, by order or operation of law, after the person
10 received notice of the opportunity to request a hearing in which to be heard on the order, and either
11 requested a hearing but did not attend the hearing or withdrew the request before the hearing oc-
12 curred, or did not request a hearing during the time period in which the opportunity was available;

13 (B) Restrains the person from stalking, intimidating, molesting or menacing a family or house-
14 hold member of the person, a child of a family or household member of the person or a child of the
15 person; and

16 (C) Includes a finding that the person represents a credible threat to the physical safety of a
17 family or household member of the person, a child of a family or household member of the person
18 or a child of the person;

19 (b) The person has been convicted of a qualifying misdemeanor and, at the time of the offense,
20 the person was:

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 (A) A family or household member of the victim of the offense; or

2 (B) A parent or guardian of the victim of the offense; [or]

3 (c) The person has been convicted of stalking under ORS 163.732[.]; or

4 **(d) The person has been convicted of menacing under ORS 163.190, and the victim of the**
5 **offense was a public official at the time of the offense.**

6 (2) The prohibition described in subsection (1)(a) of this section does not apply with respect to
7 the transportation, shipment, receipt, possession or importation of any firearm or ammunition im-
8 ported for, sold or shipped to or issued for the use of the United States Government or any federal
9 department or agency, or any state or department, agency or political subdivision of a state.

10 (3) As used in this section:

11 (a) "Convicted" means:

12 (A) The person was represented by counsel or knowingly and intelligently waived the right to
13 counsel;

14 (B) The case was tried to a jury, if the crime was one for which the person was entitled to a
15 jury trial, or the person knowingly and intelligently waived the person's right to a jury trial; and

16 (C) The conviction has not been set aside or expunged, and the person has not been pardoned.

17 (b) "Deadly weapon" has the meaning given that term in ORS 161.015.

18 (c) "Family or household member" has the meaning given that term in ORS 135.230.

19 (d) "Possess" has the meaning given that term in ORS 161.015.

20 (e) **"Public official" means:**

21 **(A) A person who is elected or appointed, or who has filed the required documents for**
22 **nomination or election, to an office established, and the qualifications and duties of which**
23 **are prescribed, by statute or the Oregon Constitution to perform a public duty for the state**
24 **or any political subdivision of the state; and**

25 **(B) An assistant or deputy district attorney, a person serving as a prosecutor for a city**
26 **or county, an assistant attorney general, an administrative law judge and a judge serving**
27 **upon appointment as a senior judge or a judge pro tempore.**

28 [(e)] (f) "Qualifying misdemeanor" means a misdemeanor that has, as an element of the offense,
29 the use or attempted use of physical force or the threatened use of a deadly weapon.

30 **SECTION 2.** ORS 166.259 is amended to read:

31 166.259. (1) When a person is convicted of an offense described in ORS 166.255 (1)(b), [or] (c)
32 **or (d)**, the court shall, at the time of conviction:

33 (a) Indicate in the judgment of conviction that the person is prohibited from possessing firearms
34 and ammunition under ORS 166.250 and 166.255;

35 (b) Inform the person, orally and in writing, that the person is prohibited from possessing
36 firearms and ammunition;

37 (c) Order in writing that the person transfer all firearms and ammunition in the person's pos-
38 session in accordance with subsection (2) of this section; and

39 (d) Order that the person file a declaration as described in subsection (4) of this section.

40 (2)(a) Within 24 hours of the court's order under subsection (1) of this section, the person shall
41 transfer all firearms and ammunition in the person's possession to a local law enforcement agency,
42 to a gun dealer as defined in ORS 166.412 or to a third party who does not reside with the person,
43 and shall obtain a proof of transfer under paragraph (b) of this subsection. A transfer to a third
44 party under this subsection must be in accordance with ORS 166.435, except that the criminal
45 background check exceptions in ORS 166.435 (4) do not apply.

1 (b) A law enforcement agency, gun dealer or third party receiving a firearm or ammunition
2 pursuant to this subsection shall issue to the person a written proof of transfer. The proof of
3 transfer must include the person's name, the date of transfer and the serial number, make and model
4 of each transferred firearm. A proof of transfer issued by a third party must also include the unique
5 approval number from the Department of State Police from the criminal background check con-
6 ducted under ORS 166.435.

7 (c) A person transferring a firearm or ammunition to a third party under this subsection shall
8 additionally obtain from the third party a declaration under penalty of perjury confirming receipt
9 of the firearm or ammunition and attesting that:

10 (A) The third party understands that the person is prohibited from possessing firearms and am-
11 munition; and

12 (B) The third party is subject to criminal penalties if the third party allows the person access
13 to the firearm or ammunition during the prohibition.

14 (3)(a) A law enforcement agency may accept a firearm or ammunition transferred under this
15 section.

16 (b) A gun dealer may purchase or may accept for storage a firearm or ammunition transferred
17 under this section.

18 (4)(a) Within two judicial days of the court's order under subsection (1) of this section, the per-
19 son shall file with the court a declaration under penalty of perjury attesting that:

20 (A) All firearms and ammunition in the person's possession have been transferred under sub-
21 section (2) of this section to:

22 (i) A law enforcement agency;

23 (ii) A gun dealer; or

24 (iii) A third party;

25 (B) The person was not in possession of any firearms at the time of the court's order and con-
26 tinues to not possess any firearms; or

27 (C) The person is asserting the person's constitutional right against self-incrimination.

28 (b) The person shall file with the declaration a copy of the proof of transfer, if applicable, and
29 a copy of the third party declaration, if applicable.

30 (5) The person shall concurrently file with the district attorney copies of the declaration, proof
31 of transfer and third party declaration filed with the court under subsection (4) of this section.

32 (6) A person in possession of a firearm or ammunition in violation of ORS 166.255 (1)(b), [or] (c)
33 **or (d)** may not be prosecuted under ORS 166.250 if:

34 (a) The person is in possession of a court order described in subsection (1) of this section issued
35 within the previous 24 hours;

36 (b) The firearm is unloaded; and

37 (c) The person is transporting the firearm or ammunition to a law enforcement agency, gun
38 dealer or third party for transfer in accordance with subsection (2) of this section.

39 (7) If the person does not file the declaration required under subsection (4) of this section, the
40 district attorney may commence contempt proceedings under ORS 33.015 to 33.155.

41 **SECTION 3. This 2025 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
43 **on its passage.**