

# House Bill 4096

Sponsored by Representative RUIZ; Representatives GAMBA, HELFRICH, JAVADI, MUNOZ, NGUYEN D, Senators FREDERICK, PATTERSON, SOLLMAN, WEBER (at the request of Multnomah County District Attorney Nathan Vasquez) (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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates the new crime of aggravated felon in possession of a firearm. (Flesch Readability Score: 65.7).

Creates the crime of aggravated felon in possession of a firearm when a person who has been convicted of a felony possesses three or more firearms or has certain prior convictions. Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both.

## A BILL FOR AN ACT

Relating to felon in possession of a firearm; amending ORS 166.270.

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

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

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

**(b) A person commits the crime of aggravated felon in possession of a firearm if the person:**

**(A) Has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, and owns or has in the person's possession or under the person's custody or control three or more firearms; or**

**(B) Commits the crime of felon in possession of a firearm described in paragraph (a) of this subsection and, at the time of the offense, has one or more prior convictions under this subsection.**

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

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

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

**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.

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

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

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

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

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

**(b) Aggravated felon in possession of a firearm is a Class B felony.**

(c) Felon in possession of a restricted weapon is a Class A misdemeanor.

**(6)(a) Except as provided in paragraph (b) of this subsection, the Oregon Criminal Justice Commission shall classify aggravated felon in possession of a firearm as crime category 7 of the sentencing guidelines grid of the commission.**

**(b) The commission shall classify aggravated felon in possession of a firearm as crime category 8 if the person:**

**(A) Owns or has in the person's possession, or under the person's custody or control, six or more firearms; or**

**(B) At the time of the offense, has three or more prior convictions under subsection (1) of this section.**