

Senate Bill 1172

Sponsored by COMMITTEE ON JUDICIARY

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 says that harassment is not a crime that can lead to a DV gun prohibition under state law. (Flesch Readability Score: 76.2).

Provides that the crime of harassment is not a qualifying misdemeanor for purposes of the statute prohibiting the possession of firearms and ammunition based on being the subject of certain court orders or being convicted of certain crimes.

A BILL FOR AN ACT

1
2 Relating to firearm prohibitions based on certain convictions; amending ORS 166.255.

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:

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

22 (B) A parent or guardian of the victim of the offense; or

23 (c) The person has been convicted of stalking under ORS 163.732.

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

28 (3) As used in this section:

29 (a) "Convicted" means:

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) The person was represented by counsel or knowingly and intelligently waived the right to
2 counsel;

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

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

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

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

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

9 (e)(A) "Qualifying misdemeanor" means a misdemeanor that has, as an element of the offense,
10 the use or attempted use of physical force or the threatened use of a deadly weapon.

11 **(B) "Qualifying misdemeanor" does not include harassment under ORS 166.065.**

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