

House Bill 3200

Sponsored by Representative GREENLICK; Representatives BAILEY, BUCKLEY, DEMBROW, FREDERICK, READ, REARDON, TOMEI, Senators BURDICK, DINGFELDER, HASS, MONNES ANDERSON, MONROE, SHIELDS, STEINER HAYWARD

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**.

Creates crime of unlawful possession or transfer of assault weapon or large capacity magazine. Punishes by maximum penalty of 10 years' imprisonment, \$250,000 fine, or both.

Requires current owners to dispose of or register assault weapons and large capacity magazines.

Directs Department of State Police to conduct background checks and maintain registry of assault weapons and large capacity magazines.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firearms; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 5 of this 2013 Act are added to and made a part of ORS 166.410**
5 **to 166.470.**

6 **SECTION 2. As used in sections 2 to 5 of this 2013 Act:**

7 (1)(a) "Assault weapon" means any:

8 (A) Semiautomatic rifle that has the capacity to accept a detachable magazine and has
9 one or more of the following:

10 (i) A pistol grip or thumbhole stock;

11 (ii) Any feature capable of functioning as a protruding grip that can be held by the non-
12 trigger hand;

13 (iii) A folding or telescoping stock; or

14 (iv) A shroud attached to the barrel, or that partially or completely encircles the barrel,
15 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
16 excluding a slide that encloses the barrel;

17 (B) Semiautomatic pistol, or any semiautomatic, centerfire or rimfire rifle with a fixed
18 magazine, that has the capacity to accept more than 10 rounds of ammunition;

19 (C) Semiautomatic pistol that has the capacity to accept a detachable magazine and has
20 one of more of the following:

21 (i) Any feature capable of functioning as a protruding grip that can be held by the non-
22 trigger hand;

23 (ii) A folding, telescoping or thumbhole stock;

24 (iii) A shroud attached to the barrel, or that partially or completely encircles the barrel,
25 allowing the bearer to hold the firearm with the nontrigger hand without being burned, but
26 excluding a slide that encloses the barrel; or

27 (iv) The capacity to accept a detachable magazine at any location outside of the pistol
28 grip;

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 (D) Semiautomatic shotgun that has one or more of the following:

2 (i) A pistol grip or thumbhole stock;

3 (ii) Any feature capable of functioning as a protruding grip that can be held by the non-
4 trigger hand;

5 (iii) A folding or telescoping stock;

6 (iv) A fixed magazine capacity in excess of five rounds; or

7 (v) An ability to accept a detachable magazine;

8 (E) Shotgun with a revolving cylinder; and

9 (F) Conversion kit, part or combination of parts from which an assault weapon can be
10 assembled if those parts are in the possession or under control of the same person.

11 (b) "Assault weapon" does not include any firearm that has been made permanently in-
12 operable.

13 (2) "Criminal background check" has the meaning given that term in ORS 166.432.

14 (3) "Detachable magazine" means an ammunition feeding device that can be loaded or
15 unloaded while detached from a firearm and readily inserted into a firearm.

16 (4) "Fixed magazine" means an ammunition feeding device contained in or permanently
17 attached to a firearm in such a manner that the device cannot be removed without disas-
18 sembly of the firearm action.

19 (5) "Large capacity magazine" means any ammunition feeding device with the capacity
20 to accept more than 10 rounds or any conversion kit, part or combination of parts from
21 which such a device can be assembled, but does not include any of the following:

22 (a) A feeding device that has been permanently altered so that it cannot accommodate
23 more than 10 rounds;

24 (b) A .22 caliber tube ammunition feeding device; or

25 (c) A tubular magazine that is contained in a lever-action firearm.

26 **SECTION 3.** (1) A person commits the crime of unlawful possession or transfer of an
27 assault weapon or large capacity magazine if the person manufactures, imports, possesses,
28 purchases, sells or transfers any assault weapon or large capacity magazine.

29 (2) Subsection (1) of this section does not apply to:

30 (a) Any government officer, agent or employee, member of the Armed Forces of the
31 United States or peace officer as that term is defined in ORS 133.005 if that person is oth-
32 erwise authorized to acquire or possess an assault weapon or large capacity magazine and
33 does so while acting within the scope of that person's duties;

34 (b) The manufacture of an assault weapon or large capacity magazine by a firearms
35 manufacturer for the purpose of sale to any branch of the Armed Forces of the United States
36 or to a law enforcement agency in this state for use by that agency or its employees, pro-
37 vided the manufacturer is properly licensed under federal, state and local laws; or

38 (c) The sale or transfer of an assault weapon or large capacity magazine by a firearms
39 dealer licensed under 18 U.S.C. 923 to any branch of the Armed Forces of the United States
40 or to a law enforcement agency in this state for use by that agency or its employees for law
41 enforcement purposes.

42 (3) Any person who, prior to the effective date of this law, was legally in possession of
43 an assault weapon or large capacity magazine shall, within 120 days after the effective date
44 of this 2013 Act, without being subject to prosecution:

45 (a) Remove the assault weapon or large capacity magazine from the state;

1 (b) Sell the assault weapon or large capacity magazine to a firearms dealer licensed under
2 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

3 (c) Surrender the assault weapon or large capacity magazine to a law enforcement
4 agency for destruction;

5 (d) Render the assault weapon permanently inoperable; or

6 (e) If eligible, register the assault weapon or large capacity magazine as provided in
7 section 4 of this 2013 Act.

8 (4) A person acquiring an assault weapon or large capacity magazine by inheritance, be-
9 quest or succession shall, within 120 days after acquiring title, without being subject to
10 prosecution under this section:

11 (a) Surrender the assault weapon or large capacity magazine to a law enforcement
12 agency for destruction;

13 (b) Transfer the assault weapon or large capacity magazine to a firearms dealer licensed
14 under 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

15 (c) Render the assault weapon permanently inoperable; or

16 (d) If eligible, register the assault weapon or large capacity magazine as provided in
17 section 4 of this 2013 Act.

18 (5) Unlawful possession or transfer of an assault weapon or large capacity magazine is a
19 Class B felony.

20 **SECTION 4.** (1) Any person seeking to register an assault weapon or large capacity
21 magazine shall do so as provided in this section within 120 days after the effective date of
22 this 2013 Act.

23 (2) In order to register an assault weapon under this section, a person must:

24 (a) Be the lawful owner of the assault weapon prior to the effective date of this 2013 Act;
25 and

26 (b) Submit to a criminal background check conducted by the Department of State Police
27 to confirm that the person is not a prohibited possessor under ORS 166.250.

28 (3) In order to register a large capacity magazine under this section, a person must:

29 (a) Be the lawful owner of the large capacity magazine prior to the effective date of this
30 2013 Act; and

31 (b) Submit to a criminal background check conducted by the department to confirm that
32 the person is not a prohibited possessor under ORS 166.250.

33 (4) A person may not register more than one assault weapon and three large capacity
34 magazines under this section. Additional assault weapons and large capacity magazines must
35 be disposed of in the manner specified in section 3 of this 2013 Act.

36 (5) A registered owner of an assault weapon or large capacity magazine is required to:

37 (a) Securely store the assault weapon or large capacity magazine pursuant to rules and
38 regulations adopted by the department;

39 (b) Allow an inspector from the department to inspect the storage of assault weapons
40 and large capacity magazines to ensure compliance with this subsection;

41 (c) Possess the assault weapon or large capacity magazine only:

42 (A) On property owned or immediately controlled by the registered owner;

43 (B) On the premises of a firearms dealer or gunsmith licensed under 18 U.S.C. 923 for the
44 purpose of lawful repair;

45 (C) While engaged in the legal use of the assault weapon or large capacity magazine at

1 a public or private shooting range, shooting gallery or other area designed and built for the
2 purpose of target shooting; or

3 (D) While transporting the weapon in a vehicle as permitted in ORS 166.250; and

4 (d) Report the loss or theft of a registered assault weapon or large capacity magazine to
5 the appropriate law enforcement agency within 48 hours of the discovery of the loss or theft.

6 (6) A registered owner of an assault or large capacity magazine may not sell or transfer
7 the assault weapon or large capacity magazine except to a firearms dealer or gunsmith li-
8 censed under 18 U.S.C. 923 for lawful sale or transfer under section 3 (2) of this 2013 Act or
9 for the purpose of disposal as provided in section 3 of this 2013 Act.

10 SECTION 5. (1) Upon receipt of a request from a person seeking to register an assault
11 weapon or large capacity magazine, the Department of State Police shall determine from
12 criminal records and other available information whether the potential registrant is dis-
13 qualified under ORS 166.250 from possessing the assault weapon or large capacity magazine.

14 (2) The department may adopt a fee schedule for criminal background checks as provided
15 in ORS 166.414.

16 (3) The department shall create and maintain a registry for owners of assault weapons
17 and large capacity magazines who qualify for registration under section 4 of this 2013 Act.
18 The department may adopt rules concerning the administration of the registry, including but
19 not limited to renewal and revocation procedures and storage requirements for assault
20 weapons and large capacity magazines.

21 (4) The department may conduct inspections of registered owners of assault weapons and
22 large capacity magazines to ensure compliance with the storage requirements of section 4
23 of this 2013 Act.

24 SECTION 6. This 2013 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
26 on its passage.