

HB 4145 -1, -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Expands the prohibition on possession of firearms or ammunition by certain persons in domestic violence situations. Provides that a person subject to a court order involving a family or household member, in which the person is restrained from stalking, intimidating, molesting, or menacing the family or household members, is prohibited from possessing firearm or ammunition. Includes person convicted of stalking or person convicted of qualifying misdemeanor who was parent or guardian of victim of offense in the prohibition. Includes individuals who had notice and opportunity for hearing on court order, but declined to request a hearing. Requires Department of State Police to enter qualifying convictions into Law Enforcement Data System (LEDS) and the National Crime Information Center of the US Department of Justice (NCIC). Requires Department to report attempted transfer or purchase of firearm to individual prohibited from possessing a firearm within 24 hours to the US Attorney for the District of Oregon, and all state and local law enforcement agencies, including district attorneys, having jurisdiction in the location of the sale or transfer. Includes notification, as appropriate, to supervising officer, court, or Psychiatric Security Review Board. Requires yearly report on number of attempted purchases, the number of investigations resulting from those reports, and the charges and dispositions of charges arising from the reports. Updates language.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Extends existing Oregon exemptions from certain firearm-related crimes to non-residents licensed to carry concealed handguns in another state. Requires specified competency standard be met in other states in order to be afforded Oregon exemptions. Requires Department of Justice to maintain list of states meeting standards.
- 2 Revises measure. Removes language on order if person had the opportunity to request a hearing and declined to do so. Includes requirement that Department of State Police enter judicial findings or terms of judgment into LEDS and NCIC. Modifies convictions required to be entered. Requires report of personally identifiable information, in addition to person's name, when reporting purchaser who is prohibited from possessing firearms and modifies to whom report must be made.
- 3 Removes language on order if person had the opportunity to request a hearing and declined to do so. Creates crime of unlawfully obtaining court order. Specifies crime is class A misdemeanor.

BACKGROUND:

Current Oregon law prohibits certain individuals from knowingly possessing firearms or ammunition. Among those excluded are persons subject to a court order that restrains the person from stalking, intimidating, molesting, or menacing an intimate partner or child, and includes a finding of a credible threat to the physical safety of the other party. In order to be prohibited under this section, the person subject to the order must have had actual notice and opportunity to be heard. Additionally, persons who have been convicted of a qualifying misdemeanor against a family member are prohibited from possessing firearms or ammunition. A qualifying misdemeanor is one that includes use of physical force, attempted use of physical force, or the threatened use of a deadly weapon. ORS 166255(3)(f). Intimate partner means the person's spouse, parent of the person's child, or persons who have or are cohabitating, which does not capture individuals who are or were in a close relationship but do not live together.

HB 4145 -1, -2, -3 STAFF MEASURE SUMMARY

House Bill 4145 expands the prohibition on possessing firearms to include those who are under a court order or who have a qualifying conviction relating to a family or household member, which includes persons who have been involved in a sexually intimate relationship but who may not have resided together. It also includes those who have been convicted of stalking in the prohibition of possessing a firearm or ammunition. The measure also specifies that if a court order remains in effect after the person has had the opportunity to request a hearing, but did not do so, the person can be prohibited from possessing firearms or ammunition, so long as the other provisions of the statute apply.

Additionally, the measure requires the Oregon State Police to enter qualifying convictions in the appropriate state and national databases and to send reports of attempted purchases by prohibited individuals to the appropriate law enforcement entities. Annually, the Department must report on the number of attempted purchases and the outcome of those attempts, including any investigations, charges, and resolutions.