House Bill 3223
Sponsored by Representative PILUSO; Representatives DOHERTY, KENY-GUYER, SANCHEZ, Senators FREDERICK, MONNES ANDERSON, STEINER HAYWARD, TAYLOR

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.

Requires person who owns assault weapon on effective date of Act to register assault weapon or take other specified action within one year of effective date of Act. Defines terms. Punishes violation by maximum of $2,000 fine, or by maximum of six months' imprisonment, $2,500 fine, or both, for second and subsequent convictions.

Prohibits manufacture, transfer or possession of assault weapon except in specified circumstances. Punishes by maximum of 364 days' imprisonment, $6,250 fine, or both.

Requires report of loss or theft of assault weapon. Punishes failure to report by maximum of 364 days' imprisonment, $6,250 fine, or both. Provides that information in report may not be used in prosecution for possession or transfer of assault weapon.

Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to assault weapons; and declaring an emergency.

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

SECTION 1. Sections 2 to 7 of this 2019 Act are added to and made a part of ORS 166.250 to 166.270.

SECTION 2. The people of the State of Oregon find and declare that a reduction in the availability of assault weapons will promote the public health and safety of the residents of this state.

SECTION 3. As used in sections 2 to 7 of this 2019 Act:
(1) “Armed Forces of the United States” has the meaning given that term in ORS 348.282.
(2) “Assault weapon”:
(a) Means the following semiautomatic rifles:
(A) All AK series including, but not limited to, the models identified as follows:
(i) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S and 86S.
(ii) Norinco 56, 56S, 84S and 86S.
(iii) Poly Technologies AKS and AK47.
(iv) MAADI AK47 and ARM.
(B) UZI and Galil.
(C) Beretta AR-70.
(D) CETME Sporter.
(E) Colt AR-15 series.
(F) Daewoo K-1, K-2, Max 1, Max 2, AR 100 and AR 110C.
(G) Fabrique Nationale FAL, LAR, FNC, 308 Match and Sporter.
(H) MAS 223.
(I) HK-91, HK-93, HK-94 and HK-PSG-1.
(J) The following MAC types:

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.

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(i) RPB Industries Inc. SM10 and SM11.
(ii) SWD Incorporated M11.
(K) SKS with detachable magazine.
(L) SIG AMT, PE-57, SG 550 and SG 551.
(N) Sterling MK-6.
(O) Steyer AUG.
(P) Valmet M62S, M71S and M78S.
(Q) Armalite AR-180.
(R) Bushmaster Assault Rifle.
(S) Calico M-900.
(T) J&R ENG M-68.
(U) Weaver Arms Nighthawk.
(b) Means the following semiautomatic pistols:
(A) UZI.
(B) Encom MP-9 and MP-45.
(C) The following MAC types:
(i) RPB Industries Inc. SM10 and SM11.
(ii) SWD Incorporated M-11.
(iii) Advance Armament Inc. M-11.
(iv) Military Armament Corp. Ingram M-11.
(D) Intratec TEC-9.
(E) Sites Spectre.
(F) Sterling MK-7.
(G) Calico M-950.
(H) Bushmaster Pistol.
(c) Means the following shotguns:
(A) Franchi SPAS 12 and LAW 12.
(B) Striker 12.
(C) The Streetsweeper type S/S Inc. SS/12.
(d) Includes any type, series or model of a firearm that is a variation, with minor differ-
ences, of a firearm model described in paragraphs (a) to (c) of this subsection, regardless
of the manufacturer.
(e) Means a semiautomatic, centerfire rifle that has the capacity to accept a detachable
magazine and any one of the following:
(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
(B) A thumbhole stock.
(C) A folding or telescoping stock.
(D) A grenade launcher or flare launcher.
(E) A flash suppressor.
(F) A forward pistol grip.
(f) Means a semiautomatic, centerfire rifle that has a fixed magazine with the capacity
to accept more than 10 rounds.
(g) Means a semiautomatic, centerfire rifle that has an overall length of less than 30
inches.
(h) Means a semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer’s hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(i) Means a semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(j) Means a semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock; and

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock or vertical handgrip.

(k) Means a semiautomatic shotgun that has the ability to accept a detachable magazine.

(L) Means a shotgun with a revolving cylinder.

(m) Does not include the following:

(A) A firearm specified on the list of pistols established by Department of State Police rule adopted pursuant to section 4 of this 2019 Act.

(B) An antique firearm.

(C) Any firearm that has been made permanently inoperable.

(3) “Criminal background check” has the meaning given that term in ORS 166.432.

(4) “Detachable magazine” means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(5) “Fixed magazine” means an ammunition feeding device contained in or permanently attached to a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

SECTION 4. (1) The Legislative Assembly finds that there is a significant public purpose in exempting from the prohibition of assault weapons those pistols that are designed expressly for use in target shooting events at the Olympic Games.

(2) The Department of State Police shall by rule:

(a) Establish and maintain a list of pistols that are sanctioned by the International Olympic Committee and by the national governing body for international shooting competition in the United States, that are used for Olympic target shooting purposes on or after January 1, 2001, and that would otherwise fall within the definition of assault weapon.

(b) Establish and maintain a list of pistols developed after the effective date of this 2019 Act that are used in international shooting competitions and that would otherwise fall within the definition of assault weapon. The exempt pistols may be based on recommendations by the national governing body for international shooting competition in the United States or consistent with the regulations contained in the official rules of the governing body, or based on the recommendation or rules of any other organization that the department determines appropriate.

SECTION 5. (1) A person who, as of the effective date of this 2019 Act, lawfully owns an
assault weapon shall, within one year after the effective date of this 2019 Act, register each
assault weapon owned by the person with the Department of State Police as follows:
   (a) The person shall provide the department accurate information sufficient to identify
the person, including but not limited to the person's name, address, date of birth and any
other information required by the department;
   (b) The person shall provide to the department the serial or other identification number
of the assault weapon and any other permanent uniquely identifying information about the
assault weapon;
   (c) The person shall provide any additional information requested by the department to
establish that the person registering the assault weapon is the lawful owner of the assault
weapon; and
   (d) The person shall consent to a criminal background check to confirm that the person
is not prohibited from possessing the assault weapon under state or federal law.
(2)(a) The Department of State Police shall develop a form for use in registering assault
weapons under this section that requires sufficient information to identify the owner of the
assault weapon. The department shall establish a system for efficiently registering assault
weapons under this section. The form and the registration system may be electronic.
   (b) The department may adopt a fee schedule, consistent with ORS 166.414, for criminal
background checks performed under this section. The department may charge a fee for reg-
istering an assault weapon under this section so long as the fee does not exceed the actual
cost of the registration process.
   (c) The department shall conduct a criminal background check for a person registering
an assault weapon under this section.
   (d) The department shall maintain a registry of the information obtained during the
registration process under this section and shall adopt rules concerning the administration
of the registry, including but not limited to renewal and revocation procedures.
   (e) The record of the information collected for registration under this section is exempt
from disclosure under the public records law.
(3) A person who, as of the effective date of this 2019 Act, is lawfully in possession of an
assault weapon, but who does not register the assault weapon under subsection (1) of this
section shall, within one year after the effective date of this 2019 Act, take one of the fol-
lowing actions with respect to each assault weapon in the person's possession:
   (a) Permanently remove the assault weapon from this state;
   (b) Sell the assault weapon to a firearms dealer licensed under 18 U.S.C. 923;
   (c) Turn in the assault weapon to a law enforcement agency for destruction; or
   (d) Render the assault weapon permanently inoperable.
(4)(a) A person who acquires a registered assault weapon by inheritance, bequest or
succession, or by virtue of the person's role as executor or other legal representative of an
estate or trust, shall, within one year after acquiring ownership:
   (A) If eligible, successfully complete an updated registration of the assault weapon and
a criminal background check under subsection (1) of this section;
   (B) Permanently remove the assault weapon from this state;
   (C) Sell the assault weapon to a firearms dealer licensed under 18 U.S.C. 923;
   (D) Turn in the assault weapon to a law enforcement agency for destruction; or
   (E) Render the assault weapon permanently inoperable.
(b) A person who acquires a registered assault weapon under the circumstances de-
scribed in paragraph (a) of this subsection is immune from prosecution for the possession
of the assault weapon for one year after acquiring the assault weapon.

(5)(a) The possession of an assault weapon, lawfully possessed as of the effective date of
this 2019 Act, in violation of this section is a Class A violation.

(b) Notwithstanding paragraph (a) of this subsection, the possession of an assault
weapon, lawfully possessed as of the effective date of this 2019 Act, in violation of this sec-
tion is a Class B misdemeanor if, at the time of the unlawful possession, the person has one
or more prior convictions under this section.

SECTION 6. (1) Notwithstanding any other provision of ORS 166.250 to 166.270 and 166.410
to 166.470, and except as provided in this section and section 5 of this 2019 Act, a person
commits the crime of unlawful manufacture, transfer or possession of an assault weapon if
the person manufactures, imports, possesses, purchases, sells or otherwise transfers an as-
sault weapon after the effective date of this 2019 Act.

(2) The owner of an assault weapon registered under section 5 of this section may not
transfer the assault weapon to any other person except to:

(a) A firearms dealer licensed under 18 U.S.C. 923;

(b) A person licensed under 18 U.S.C. 923 who is employed as a gunsmith, for the repair
of the assault weapon or to sell the assault weapon as permitted under section 5 of this 2019
Act; or

(c) A law enforcement agency for destruction.

(3) Except as provided in subsection (4) of this section, the owner of an assault weapon
registered under section 5 of this 2019 Act may not purchase or otherwise acquire an addi-
tional assault weapon after the effective date of this 2019 Act.

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

(a) Any government officer, agent or employee, member of the Armed Forces of the
United States or peace officer as that term is defined in ORS 133.005, if that person is not
otherwise prohibited from acquiring or possessing an assault weapon and acquires or pos-
sesses the assault weapon while acting within the scope of official duties;

(b) The manufacture of an assault weapon by a firearms manufacturer for the purpose
of sale to any branch of the Armed Forces of the United States or to a law enforcement
agency in this state, for use by that entity or its employees, provided that the manufacturer
is properly licensed under federal, state and local law;

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

(d) The temporary custody of an assault weapon by a firearms dealer licensed under 18
U.S.C. 923 for repair and maintenance, provided that the assault weapon is registered as re-
quired under section 5 of this 2019 Act.

(5) Unlawful manufacture, transfer or possession of an assault weapon is a Class A
misdemeanor.

SECTION 7. (1) The owner of an assault weapon shall report the loss or theft of the as-
sault weapon to the appropriate law enforcement agency as soon as possible and, in any
event, no later than within 48 hours of the discovery of the loss or theft.
(2) Failing to report the loss or theft of an assault weapon as required by this section is a Class A misdemeanor.

(3) Information contained in a report made in accordance with subsection (1) of this section may not be used as evidence in any prosecution under section 5 or 6 of this 2019 Act.

SECTION 8. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.