

House Bill 3265

Sponsored by Representatives GREENLICK, PILUSO; Representatives DOHERTY, KENY-GUYER, PRUSAK, SANCHEZ, Senators FREDERICK, GOLDEN, 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**.

Prohibits possession of large-capacity magazine 180 days after effective date of Act. Specifies manner in which person must alter or dispose of large-capacity magazine currently possessed by person. Prohibits use of large-capacity magazine upon effective date of Act. Exempts law enforcement and military personnel from prohibition in specified circumstances. Punishes unlawful possession of large-capacity magazine by maximum of \$2,000 fine, or by maximum of six months' imprisonment, \$2,500 fine, or both, for second and subsequent convictions. Punishes unlawful use of large-capacity magazine by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Prohibits manufacture, purchase, transfer and sale of large-capacity magazine upon effective date of Act. Specifies exemptions. Punishes unlawful manufacture, purchase, transfer or sale of large-capacity magazine by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Requires report of loss or theft of unaltered large-capacity magazine. Provides immunity from prosecution for possession or transfer of magazine if report made as required.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to large-capacity ammunition magazines; and declaring an emergency.

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

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

6 **SECTION 2. The Legislative Assembly finds and declares that a prohibition against the**
7 **possession and use of ammunition magazines that hold more than 10 rounds is a reasonable**
8 **and necessary measure to promote the public health and safety of the residents of this state.**

9 **SECTION 3. As used in sections 2 to 7 of this 2019 Act:**

10 (1) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

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

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

16 (4) "Large-capacity magazine" means a detachable magazine or a fixed magazine with the
17 capacity to accept more than 10 rounds of ammunition, but does not include any of the fol-
18 lowing:

19 (a) An ammunition feeding device that has been permanently altered so that it is not
20 capable, now or in the future, of accepting more than 10 rounds of ammunition;

21 (b) A 0.22 caliber tube ammunition feeding device; or

22 (c) A tubular ammunition feeding device that is contained in a lever-action firearm.

23 (5) "Use" means, in relation to a large-capacity magazine, to load the magazine with
24 ammunition, to insert the magazine into a firearm or to fire a firearm loaded with a large-

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 capacity magazine.

2 **SECTION 4.** (1) Except as provided in subsection (4) of this section, a person may not
 3 possess a large-capacity magazine at any time after 180 days after the effective date of this
 4 2019 Act.

5 (2) Prior to the 180th day following the effective date of this 2019 Act, a person in pos-
 6 session of a large-capacity magazine who does not qualify for an exception described in sub-
 7 section (4) of this section shall take one of the following actions with respect to each
 8 magazine:

9 (a) Permanently alter the magazine so that it is not capable, now or in the future, of
 10 accepting more than 10 rounds of ammunition;

11 (b) Transfer or sell the magazine to a firearms dealer licensed under 18 U.S.C. 923 outside
 12 this state or to a firearms dealer licensed under 18 U.S.C. 923 within this state for removal
 13 from the state, except as otherwise provided in section 5 of this 2019 Act;

14 (c) Otherwise remove the magazine from the state; or

15 (d) Permanently dispose of the magazine.

16 (3) Except as provided in subsection (4) of this section, a person may not use a large-
 17 capacity magazine at any time after the effective date of this 2019 Act.

18 (4) The prohibition on the possession and use of large-capacity magazines in subsections
 19 (1) and (3) of this section does not prohibit:

20 (a) The possession or use of a large-capacity magazine by law enforcement officers or
 21 members of the Armed Forces of the United States so long as the possession or use is nec-
 22 cessary for the lawful performance of official duties and the use is limited to activities within
 23 the scope of those duties.

24 (b) The possession of a large-capacity magazine incidental to the manufacture or transfer
 25 of a large-capacity magazine permitted under section 5 of this 2019 Act.

26 (5)(a) The possession of a large-capacity magazine in violation of this section is a Class
 27 A violation.

28 (b) Notwithstanding paragraph (a) of this subsection, possession of a large-capacity
 29 magazine in violation of this section is a Class B misdemeanor if, at the time of the unlawful
 30 possession, the person has one or more prior convictions under this section.

31 (c) The use of a large-capacity magazine in violation of this section is a Class A
 32 misdemeanor.

33 **SECTION 5.** (1) A person may not manufacture a large-capacity magazine at any time
 34 after the effective date of this 2019 Act except under the following circumstances:

35 (a) A firearms manufacturer properly licensed under federal, state and local law is per-
 36 mitted to manufacture large-capacity magazines for exclusive sale to the Armed Forces of
 37 the United States or a law enforcement agency solely for authorized use by that entity.

38 (b) A firearms manufacturer properly licensed under federal, state and local law that is
 39 a party to a contract, in existence and binding on the effective date of this 2019 Act, with
 40 an entity outside this state for the manufacture and sale of large-capacity magazines is
 41 permitted to fulfill the contract provided that:

42 (A) All manufacturing is completed no later than one year after the effective date of this
 43 2019 Act; and

44 (B) The large-capacity magazines are intended for possession and use outside this state.

45 (2) A person may not purchase, sell or otherwise transfer a large-capacity magazine at

1 any time after the effective date of this 2019 Act except under the following circumstances:

2 (a) During the 180-day period following the effective date of this 2019 Act, a person may:

3 (A) Transfer the large-capacity magazine in order to permanently alter the magazine so
4 that it is not capable, now or in the future, of accepting more than 10 rounds of ammunition;

5 (B) Transfer or sell the magazine to a firearms dealer licensed under 18 U.S.C. 923 for
6 removal from the state; or

7 (C) Otherwise permanently dispose of the magazine.

8 (b) A firearms dealer licensed under 18 U.S.C. 923 is permitted:

9 (A) To sell large-capacity magazines to the Armed Forces of the United States or a law
10 enforcement agency solely for authorized use by that entity.

11 (B) To purchase or acquire temporary custody of a large-capacity magazine for the pur-
12 pose of permanently altering the magazine so that it is not capable, now or in the future,
13 of accepting more than 10 rounds of ammunition.

14 (C) To purchase or acquire temporary custody of a large-capacity magazine for removal
15 from the state.

16 (c) With respect to inventory consisting of large-capacity magazines owned by or in the
17 custody of a firearms dealer licensed under 18 U.S.C. 923 on the effective date of this 2019
18 Act, the dealer shall within 180 days of the effective date of this 2019 Act take one or more
19 of the following actions with respect to each magazine:

20 (A) Transfer or sell the large-capacity magazine to a recipient outside this state;

21 (B) Permanently alter the large-capacity magazine so that it is not capable, now or in the
22 future, of accepting more than 10 rounds of ammunition; or

23 (C) Permanently dispose of the large-capacity magazine.

24 (3) The manufacture, purchase, sale or other transfer of a large-capacity magazine in
25 violation of this section is a Class A misdemeanor.

26 **SECTION 6.** Except as otherwise provided in sections 4 and 5 of this 2019 Act, during the
27 180-day period following the effective date of this 2019 Act, a person may not import a
28 large-capacity magazine into this state.

29 **SECTION 7.** (1) The owner or possessor of a large-capacity magazine that has not been
30 permanently altered shall report the loss or theft of the magazine to the appropriate law
31 enforcement agency as soon as possible and, in any event, no later than within 48 hours of
32 the discovery of the loss or theft.

33 (2) A person who makes a report in accordance with subsection (1) of this section is im-
34 mune from a prosecution under sections 4 and 5 of this 2019 Act based on evidence resulting
35 from the report.

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