

D R A F T

SUMMARY

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
3 166.255.

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

5 **SECTION 1.** ORS 166.255 is amended to read:

6 166.255. (1) It is unlawful for a person to knowingly possess a firearm or
7 ammunition if:

8 (a) The person is the subject of a court order that:

9 (A)(i) Was issued or continued after a hearing for which the person had
10 actual notice and during the course of which the person had an opportunity
11 to be heard; or

12 (ii) Was issued, continued or remains in effect, by order or operation of
13 law, after the person received notice of the opportunity to request a hearing
14 in which to be heard on the order, and either requested a hearing but did
15 not attend the hearing or withdrew the request before the hearing occurred,
16 or did not request a hearing during the time period in which the opportunity
17 was available;

18 (B) Restrains the person from stalking, intimidating, molesting or men-

1 acing a family or household member of the person, a child of a family or
2 household member of the person or a child of the person; and

3 (C) Includes a finding that the person represents a credible threat to the
4 physical safety of a family or household member of the person, a child of a
5 family or household member of the person or a child of the person;

6 (b) The person has been convicted of a qualifying misdemeanor and, at the
7 time of the offense, the person was:

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

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

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

11 (2) The prohibition described in subsection (1)(a) of this section does not
12 apply with respect to the transportation, shipment, receipt, possession or
13 importation of any firearm or ammunition imported for, sold or shipped to
14 or issued for the use of the United States Government or any federal de-
15 partment or agency, or any state or department, agency or political subdivi-
16 sion of a state.

17 (3) As used in this section:

18 (a) “Convicted” means:

19 (A) The person was represented by counsel or knowingly and intelligently
20 waived the right to counsel;

21 (B) The case was tried to a jury, if the crime was one for which the per-
22 son was entitled to a jury trial, or the person knowingly and intelligently
23 waived the person’s right to a jury trial; and

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

26 (b) “Deadly weapon” has the meaning given that term in ORS 161.015.

27 (c) “Family or household member” has the meaning given that term in
28 ORS 135.230.

29 (d) “Possess” has the meaning given that term in ORS 161.015.

30 (e)(A) “Qualifying misdemeanor” means a misdemeanor that has, as an
31 element of the offense, the use or attempted use of physical force or the

1 threatened use of a deadly weapon.

2 **(B) “Qualifying misdemeanor” does not include harassment under**
3 **ORS 166.065.**

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