

HB 4096 STAFF MEASURE SUMMARY
House Committee on Judiciary

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Meeting Dates: 2/2

WHAT THE MEASURE DOES:

The measure **creates the crime of *aggravated felon in possession of a firearm*** for persons convicted of a felony who possess three or more firearms or who have one or more prior convictions for *felon in possession of a firearm*. The new crime is a Class B felony with a crime category of seven or eight depending on specific circumstances.

BACKGROUND:

A person commits the crime of *felon in possession of a firearm* if the person has been convicted of a felony and owns or has in their possession or custody or control any firearm. ORS 166.270. *Felon in possession of a firearm* is a Class C felony with a crime category of six. OAR 213-017-0006. Class C felonies are punishable by up to five years imprisonment. ORS 161.605. The presumptive sentence for a crime in category six ranges from three years of probation up to 30 months of imprisonment; for category seven, the range is three years of probation up to 36 months of imprisonment; and for category eight, the range spans from 16 months of imprisonment up to 45 months of imprisonment. OAR 213-004-0001 Appendix 1. Presumptive sentences fall within those ranges depending on the defendant's criminal history rating and is based on the [sentencing guidelines grid](#) issued by the Criminal Justice Commission under ORS 137.667 and OAR 213-004-0001.