

HB 4096 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/2, 2/16

WHAT THE MEASURE DOES:

The measure creates the crime of *aggravated felon in possession of a firearm*, which a person commits if they commit *felon in possession of a firearm* and either possess three or more firearms or have one or more prior convictions for *felon in possession of a firearm*. The new crime is a Class B felony and is in crime category seven generally and in crime category eight if the person either possesses six or more firearms or has three or more prior convictions for *felon in possession of a firearm*.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment replaces the measure and raises *felon in possession of a firearm* to a Class B felony in crime category seven if the offender has six or more firearms.

Fiscal Impact: Has minimal fiscal impact

Revenue Impact: Has minimal revenue impact

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 in crime category six. OAR 213-017-0006.

Oregon law provides for both maximum terms of imprisonment and presumptive sentences for felony convictions. Class C felonies are punishable by a maximum of five years of imprisonment, and Class B felonies by up to 10 years. ORS 161.605. The [sentencing guidelines grid](#) issued by the Criminal Justice Commission under ORS 137.667 and OAR 213-004-0001 governs the presumptive sentences for felonies. Presumptive sentences fall somewhere on the grid depending on a person's criminal history and the "seriousness" or "category" of the crime committed. The presumptive sentence for a crime in category six ranges from three years of probation up to 30 months of imprisonment depending on criminal history; 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.