House Bill 3200
Sponsored by Representative GREENLICK; Representatives BAILEY, BUCKLEY, DEMBROW, FREDERICK, READ, REARDON, TOMEI, Senators BURDICK, DINGFELDER, HASS, MONNES ANDERSON, MONROE, SHIELDS, STEINER HAYWARD

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.

Creates crime of unlawful possession or transfer of assault weapon or large capacity magazine. Punishes by maximum penalty of 10 years’ imprisonment, $250,000 fine, or both.
Requires current owners to dispose of or register assault weapons and large capacity magazines.
Directs Department of State Police to conduct background checks and maintain registry of assault weapons and large capacity magazines.
Declares emergency, effective on passage.

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

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

SECTION 1. Sections 2 to 5 of this 2013 Act are added to and made a part of ORS 166.410 to 166.470.

SECTION 2. As used in sections 2 to 5 of this 2013 Act:
(1)(a) “Assault weapon” means any:
(A) Semiautomatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:
(i) A pistol grip or thumbhole stock;
(ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
(iii) A folding or telescoping stock; or
(iv) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel;
(B) Semiautomatic pistol, or any semiautomatic, centerfire or rimfire rifle with a fixed magazine, that has the capacity to accept more than 10 rounds of ammunition;
(C) Semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
(i) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
(ii) A folding, telescoping or thumbhole stock;
(iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel; or
(iv) The capacity to accept a detachable magazine at any location outside of the pistol grip;

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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(D) Semiautomatic shotgun that has one or more of the following:
   (i) A pistol grip or thumbhole stock;
   (ii) Any feature capable of functioning as a protruding grip that can be held by the non-
        trigger hand;
   (iii) A folding or telescoping stock;
   (iv) A fixed magazine capacity in excess of five rounds; or
   (v) An ability to accept a detachable magazine;
   (E) Shotgun with a revolving cylinder; and
   (F) Conversion kit, part or combination of parts from which an assault weapon can be
        assembled if those parts are in the possession or under control of the same person.
(b) “Assault weapon” does not include any firearm that has been made permanently in-
    operable.
(2) “Criminal background check” has the meaning given that term in ORS 166.432.
(3) “Detachable magazine” means an ammunition feeding device that can be loaded or
    unloaded while detached from a firearm and readily inserted into a firearm.
(4) “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 disas-
    sembly of the firearm action.
(5) “Large capacity magazine” means any ammunition feeding device with the capacity
    to accept more than 10 rounds or any conversion kit, part or combination of parts from
    which such a device can be assembled, but does not include any of the following:
        (a) A feeding device that has been permanently altered so that it cannot accommodate
            more than 10 rounds;
        (b) A .22 caliber tube ammunition feeding device; or
        (c) A tubular magazine that is contained in a lever-action firearm.

SECTION 3. (1) A person commits the crime of unlawful possession or transfer of an
assault weapon or large capacity magazine if the person manufactures, imports, possesses,
 purchases, sells or transfers any assault weapon or large capacity magazine.
(2) 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 oth-
    erwise authorized to acquire or possess an assault weapon or large capacity magazine and
    does so while acting within the scope of that person's duties;
(b) The manufacture of an assault weapon or large capacity magazine 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 agency or its employees, pro-
    vided the manufacturer is properly licensed under federal, state and local laws; or
(c) The sale or transfer of an assault weapon or large capacity magazine 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 agency or its employees for law
    enforcement purposes.
(3) Any person who, prior to the effective date of this law, was legally in possession of
an assault weapon or large capacity magazine shall, within 120 days after the effective date
of this 2013 Act, without being subject to prosecution:
(a) Remove the assault weapon or large capacity magazine from the state;
(b) Sell the assault weapon or large capacity magazine to a firearms dealer licensed under 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

c) Surrender the assault weapon or large capacity magazine to a law enforcement agency for destruction;

d) Render the assault weapon permanently inoperable; or

e) If eligible, register the assault weapon or large capacity magazine as provided in section 4 of this 2013 Act.

(4) A person acquiring an assault weapon or large capacity magazine by inheritance, bequest or succession shall, within 120 days after acquiring title, without being subject to prosecution under this section:

(a) Surrender the assault weapon or large capacity magazine to a law enforcement agency for destruction;

(b) Transfer the assault weapon or large capacity magazine to a firearms dealer licensed under 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

c) Render the assault weapon permanently inoperable; or

d) If eligible, register the assault weapon or large capacity magazine as provided in section 4 of this 2013 Act.

(5) Unlawful possession or transfer of an assault weapon or large capacity magazine is a Class B felony.

SECTION 4. (1) Any person seeking to register an assault weapon or large capacity magazine shall do so as provided in this section within 120 days after the effective date of this 2013 Act.

(2) In order to register an assault weapon under this section, a person must:

(a) Be the lawful owner of the assault weapon prior to the effective date of this 2013 Act; and

(b) Submit to a criminal background check conducted by the Department of State Police to confirm that the person is not a prohibited possessor under ORS 166.250.

(3) In order to register a large capacity magazine under this section, a person must:

(a) Be the lawful owner of the large capacity magazine prior to the effective date of this 2013 Act; and

(b) Submit to a criminal background check conducted by the department to confirm that the person is not a prohibited possessor under ORS 166.250.

(4) A person may not register more than one assault weapon and three large capacity magazines under this section. Additional assault weapons and large capacity magazines must be disposed of in the manner specified in section 3 of this 2013 Act.

(5) A registered owner of an assault weapon or large capacity magazine is required to:

(a) Securely store the assault weapon or large capacity magazine pursuant to rules and regulations adopted by the department;

(b) Allow an inspector from the department to inspect the storage of assault weapons and large capacity magazines to ensure compliance with this subsection;

(c) Possess the assault weapon or large capacity magazine only:

(A) On property owned or immediately controlled by the registered owner;

(B) On the premises of a firearms dealer or gunsmith licensed under 18 U.S.C. 923 for the purpose of lawful repair;

(C) While engaged in the legal use of the assault weapon or large capacity magazine at
a public or private shooting range, shooting gallery or other area designed and built for the
purpose of target shooting; or

(D) While transporting the weapon in a vehicle as permitted in ORS 166.250; and

(d) Report the loss or theft of a registered assault weapon or large capacity magazine to
the appropriate law enforcement agency within 48 hours of the discovery of the loss or theft.

(6) A registered owner of an assault or large capacity magazine may not sell or transfer
the assault weapon or large capacity magazine except to a firearms dealer or gunsmith li-
censed under 18 U.S.C. 923 for lawful sale or transfer under section 3 (2) of this 2013 Act or
for the purpose of disposal as provided in section 3 of this 2013 Act.

SECTION 5. (1) Upon receipt of a request from a person seeking to register an assault
weapon or large capacity magazine, the Department of State Police shall determine from
criminal records and other available information whether the potential registrant is dis-
qualified under ORS 166.250 from possessing the assault weapon or large capacity magazine.

(2) The department may adopt a fee schedule for criminal background checks as provided
in ORS 166.414.

(3) The department shall create and maintain a registry for owners of assault weapons
and large capacity magazines who qualify for registration under section 4 of this 2013 Act.
The department may adopt rules concerning the administration of the registry, including but
not limited to renewal and revocation procedures and storage requirements for assault
weapons and large capacity magazines.

(4) The department may conduct inspections of registered owners of assault weapons and
large capacity magazines to ensure compliance with the storage requirements of section 4
of this 2013 Act.

SECTION 6. This 2013 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
on its passage.