

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2005**

1 On page 1 of the printed A-engrossed bill, line 2, after “firearms;” delete
2 the rest of the line and delete line 3 and insert “amending ORS 166.270.”.

3 Delete lines 5 through 8 and delete pages 2 through 16 and insert:

4 **“SECTION 1.** ORS 166.270 is amended to read:

5 “166.270. (1) Any person who has been convicted of a felony under the law
6 of this state or any other state, or who has been convicted of a felony under
7 the laws of the Government of the United States, who owns or has in the
8 person’s possession or under the person’s custody or control any firearm
9 commits the crime of felon in possession of a firearm.

10 “(2) Any person who has been convicted of a felony under the law of this
11 state or any other state, or who has been convicted of a felony under the
12 laws of the Government of the United States, who owns or has in the
13 person’s possession or under the person’s custody or control any instrument
14 or weapon having a blade that projects or swings into position by force of
15 a spring or by centrifugal force or any blackjack, slungshot, sandclub,
16 sandbag, sap glove, metal knuckles or an Electro-Muscular Disruption
17 Technology device as defined in ORS 165.540, or who carries a dirk, dagger
18 or stiletto, commits the crime of felon in possession of a restricted weapon.

19 “(3) For the purposes of this section, a person ‘has been convicted of a
20 felony’ if, at the time of conviction for an offense, that offense was a felony
21 under the law of the jurisdiction in which it was committed. Such conviction

1 shall not be deemed a conviction of a felony if:

2 “(a) The court declared the conviction to be a misdemeanor at the time
3 of judgment; or

4 “(b) The offense was possession of marijuana and the conviction was prior
5 to January 1, 1972.

6 “(4) Subsection (1) of this section does not apply to any person who has
7 been:

8 “(a) Convicted of only one felony under the law of this state or any other
9 state, or who has been convicted of only one felony under the laws of the
10 United States, which felony did not involve criminal homicide, as defined in
11 ORS 163.005, or the possession or use of a firearm or a weapon having a
12 blade that projects or swings into position by force of a spring or by
13 centrifugal force, and who has been discharged from imprisonment, parole
14 or probation for said offense for a period of 15 years prior to the date of
15 alleged violation of subsection (1) of this section; or

16 “(b) Granted relief from the disability under 18 U.S.C. 925(c) or ORS
17 166.274 or has had the person’s record expunged under the laws of this state
18 or equivalent laws of another jurisdiction.

19 “(5) Felon in possession of a firearm is a Class C felony. Felon in pos-
20 session of a restricted weapon is a Class A misdemeanor.

21 “(6) **The Oregon Criminal Justice Commission shall classify the**
22 **crime of felon in possession of a firearm as crime category 8 of the**
23 **sentencing guidelines grid of the commission.”**

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