



## ARPC Saddle Butte Press Special Edition

### INITIATIVE PETITION 43

ARPC is alerting our membership of the grassroots movement to protest Initiative Petition 43. Please read the proposed petition below carefully, even if you support legislation on "Assault Weapons". As you read the text, you will see comments in red. These comments are not part of the initiative; they are ARPC's comments and questions regarding certain sections of this initiative that will affect the majority of our membership. If you would like to become involved in letting the Oregon Legislature know how you feel, contact your representatives. There is a Second Amendment Rally (one of many) tomorrow, Saturday, April 21, at the capitol building in Salem at 900 Court Street SE from 11 am to 1 pm. It is not only important to educate ourselves, but to help educate our friends and neighbors on these types of legislation. Be informed and make your own decisions. You may need to click on "view entire message" at the bottom of the email in order to read the petition in its entirety.

#### **BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:**

SECTION 1. Sections 2 to 5 of this 2018 Act are added to and made a part of ORS 166.250 to 166.470.

SECTION 2. The people of the State of Oregon find and declare that a reduction in the availability of assault weapons and large capacity ammunition magazines will promote the public health and safety of the residents of this state.

SECTION 3. As used in sections 2 to 6 of this 2018 Act: (l)(a) "Assault weapon" means any:

(A) Semiautomatic rifle that has the capacity to accept a detachable magazine and has at least

one of the following:

(i) Any grip of the weapon, including a pistol grip, a thumbhole stock or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;

*Comment: This would add many 22LR rifles into the classification of AW, such as the Ruger 10/22 with thumbhole stocks or pistol grips.*

(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 shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
- (v) A forward pistol grip;
- (vi) A flash suppressor, muzzle brake, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle brake, or muzzle compensator;
- (vii) A bayonet mount; or A grenade launcher or flare launcher;

*Comment: It appears this would include rifles like M1 Garands since the clip is removable; bayonet lug.*

(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, centerfire rifle that has an overall length of less than thirty inches;

(D) Semiautomatic pistol that has the capacity to accept a detachable magazine and has at least one 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 non-trigger hand without being burned, but excluding a slide that encloses the barrel;
  - (iv) The capacity to accept a detachable magazine at any location outside of the pistol grip;
- or
- (v) A threaded barrel capable of accepting a flash suppressor or forward pistol grip;

*Comment: This would include pistols like the Scorpion and any AR style pistol.*

(E) Semiautomatic shotgun that has both of the following:

- (i) Any grip of the weapon, including a pistol grip, a thumbhole stock or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; and
- (ii) A folding or telescoping stock;

(F) Semiautomatic shotgun that has at least one of the following:

- (i) A fixed magazine capacity in excess of ten rounds; or
- (ii) An ability to accept a detachable magazine;

*Comment: (F) makes ANY semiautomatic shotgun with a detachable magazine an AW.*

(G) Shotgun with a revolving cylinder; and

(H) 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.

*Comment: It appears this would refer to any AW part or large capacity magazine part. Does this mean you cannot order any parts after passage? There is no provision for part(s) registration.*

(b) "Assault weapon" does not include any firearm that has been made permanently inoperable.

(2) "Criminal background check" has the meaning given that term in ORS 166.432.

(3) "Department" means Department of State Police.

(4) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(5) "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 disassembly of the firearm action.

(6) " Large capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds or any conversion kit 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 4. (1) Notwithstanding ORS 166.250 to 166.470, and except as provided in subsections (2) to (4) of this Section 4, 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 4 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 otherwise 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, provided 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.

*Comment: All manufacturers are limited to sell to the US Armed Forces or LE Agencies of this State only.*

(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 2018 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 with the Department as provided in Section 5 of this 2018 Act.

(4) Any person who acquires an assault weapon or large capacity magazine, for which registration was previously properly obtained under Section 5 of this Act, by inheritance,

bequest or succession, or by virtue of the person's role as executor or other legal representative of an estate or trust, 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)(c) of this section;
- (c) Render the assault weapon permanently inoperable; or
- (d) If eligible, register the assault weapon or large capacity magazine with the Department and meet all of the requirements under Section 5 of this 2018 Act, except the time for registering shall run from the date of acquiring title.

(5) Any person who moves into the state and immediately prior to moving is in lawful possession of an assault weapon or large capacity magazine, shall, unless exempt under Section 4(2)-(4) of this Act, within 120 days:

- (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)(c) of this section; or
- (c) Render the assault weapon permanently inoperable.

*Comment: There is no way for a new resident to register a firearm (AW).*

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

SECTION 5. (I) Any person seeking to register an assault weapon or large capacity magazine with the Department shall do so as provided in this section within 120 days after the effective date of this 2018 Act.

(2) In order to register an assault weapon under this section, the Owner of the assault weapon must:

- (a) Submit to the Department, on a form approved by the Department, the owner's name and address and the identification number of each assault weapon owned by the owner;
- (b) Be the lawful owner of the assault weapon prior to the effective date of this 2018 Act; and
- (c) Allow the Department to conduct a criminal background check of the person 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) Submit to the Department, on a form approved by the Department, the owner's name and address and information sufficient to identify any large magazine owned or possessed by the owner;

*Comment: "Information sufficient to identify"? Serial number program for magazines?*

- (b) Be the lawful owner of the large capacity magazine prior to the effective date of this 2018 Act; and
- (c) Allow the Department to conduct a criminal background check of the person to confirm that the person is not a prohibited possessor under ORS 166.250.

(4) A person seeking to register an assault weapon or large capacity magazine must submit evidence satisfactory to the Department to establish that:

- (a) The owner has securely stored the assault weapon or large capacity magazine pursuant to existing law and, in addition, as provided in any rules and regulations adopted by the Department specifically relating to assault weapons and large capacity magazines;
- (b) The owner possesses any lawful assault weapon or large capacity magazine only:
  - (A) On property owned or immediately controlled by the registered owner;
  - (B) On property owned by another with the owner's express permission in a manner consistent with subsection (4)(a) in this section;

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

(D) 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;

*Comment: Concealed carry permit holders are now limited to only a 10 round capacity.*

(E) At a firearms competition or exhibition, display or educational project about firearms sponsored, conducted by approved or under the auspices of a law enforcement agency or a national or state-recognized entity that fosters proficiency in firearms use or promotes firearms education; or

(F) While transporting the weapon in a vehicle as permitted in ORS 166.250 to one of the locations authorized under this statute.

*Comment: You are limited to hunt or shoot on your property, property you have permission to shoot your AW firearm on or a shooting range. One would assume the AW firearm would need to be locked up when not covered by the conditions above. How would you stay in a motel? How would you submit satisfactory evidence of secure storage for a temporary location in Oregon?*

(5) A registered owner of an assault weapon or large capacity magazine may not sell or transfer the assault weapon or large capacity magazine except to a firearms dealer or to a gunsmith licensed under 18 U.S.C. 923 for repair, lawful sale or transfer or for the purpose of disposal as provided in SECTION 3 of this 2018 Act.

*Comment: This eliminates private transfers for AW.*

(6) A registered owner of an assault weapon or large capacity magazine may not purchase additional assault weapons or large capacity magazines.

*Comment: No new firearms (AW) and possibly no replacement parts as stated in Section 3 (H).*

(7) A registered owner of a registered assault weapon or large capacity magazine must report the loss or theft of such weapon or magazine to the appropriate law enforcement agency within 48 hours of the discovery of the loss or theft.

SECTION 6. (1) Upon receipt of a request from a person seeking to register an assault weapon or large capacity magazine, the Department shall determine from criminal records and other available information whether the potential registrant is disqualified 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 establish a means of obtaining the information that must be provided by owners of assault weapons and large capacity magazines who qualify for registration under Section 5 of this 2018 Act, which information must include the information required by Section 5 of this Act, and any other information determined necessary by the Department to carry out the purposes of this 2018 Act.

*Comment: This establishes an Oregon database on ownership.*

(4) The Department shall maintain a registry of the information obtained by it pursuant to Sections 5 and 6(3) of this 2018 Act, and shall 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.

*Comment: Renewal procedures and fees along with possible inspections of your home to verify storage requirements.*

(5) The record of the information collected for registration under this section is exempt from disclosure under the public records law in the same manner such information is maintained under ORS 166.436.

SECTION 7. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. The people hereby declare that they would have adopted this Chapter, notwithstanding the unconstitutionality, invalidity and ineffectiveness of any one of its articles, sections, subsections, sentences or clauses.

SECTION 8. This Act shall take effect on January 1, 2019.

[ARPC Website](#)

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