

November 8, 2022 General Election

Initiative Petition #17

ESTIMATE OF RACIAL/ETHNIC IMPACT

The Oregon Criminal Justice Commission (CJC) received a written request from a member of the Legislative Assembly from each major political party requesting a racial and ethnic impact statement pursuant to ORS 137.685 for Initiative Petition 17 (IP 17), titled the Reduction of Gun Violence Act.¹ As required by ORS 137.685, this statement must describe the effects of the proposed measure on the criminal offender population.

This statement describes the racial and ethnic impact to the criminal offender population that includes individuals convicted of specific crimes listed in IP 17. There are several components of IP 17 that are not related to the criminal justice system specifically, and this statement does not include the racial and ethnic impact of those components.

SECTION 6

Section 6 modifies ORS 166.412 by requiring a permit-to-purchase for all licensed dealer firearm sales and creates a new Class A misdemeanor crime for “knowingly selling or delivering a firearm to a purchaser or transferee who does not have a valid permit-to-purchase a firearm ... or prior to receiving a unique approval number from the department based on the criminal background check ...” (Section 6(14)).

The CJC lacks data on the number of firearm sales or transfers that occur at licensed dealers within the State of Oregon. Further, given that this is a new crime, it is not possible for CJC to provide an estimated impact of this section.

SECTION 7

Section 7 modifies ORS 166.435 by requiring a permit-to-purchase for all private firearm transfers. Violations of ORS 166.435 are a Class A misdemeanor unless the individual who fails to comply has a previous conviction for a violation of 166.435 at the time of the offense. For individuals with a previous conviction for violating 166.435, the violation is a Class B felony.

<u>Table 1. ORS 166.435 Class A Misdemeanor Convictions, 2017-2021</u>		CJC queried data concerning arrests and convictions for violations of 166.435. No records for any arrests were located. Records for criminal convictions, however, were located and are reported in Table 1. Since 2017, when the first conviction for 166.435 occurred, a total of 23 individuals were convicted of the Class A misdemeanor version of this violation. No convictions were found for a Class B felony violation of ORS 166.435.
Asian	0	
Black	1	
Latinx	0	
Native American	0	
White	22	
<u>Total</u>	<u>23</u>	

¹ <https://sos.oregon.gov/admin/Documents/irr/2022/017text.pdf>

The CJC is unable to provide predictions regarding the number of future violations of this section related to the changes proposed in IP 17 and is also unable to provide predictions regarding the racial demographics of individuals arrested or convicted of violations of 166.435 should IP 17 pass.

SECTIONS 8 & 9

Section 8 modifies ORS 166.436 by requiring a permit-to-purchase for firearm transfers at gun shows. Section 9 modifies ORS 166.438, stating that if the individual making the transfer has two or more previous convictions for this crime *at the time of the offense*, then that individual has committed a Class C felony; if the individual does not have two or more previous convictions for failure to comply with these requirements, then the individual has committed a Class A misdemeanor.

CJC queried data on both arrests and convictions for violations of ORS 166.438 and found no records for arrests or convictions for this crime.

SECTION 11

Section 11 creates a new Class A misdemeanor crime for the “[u]nlawful manufacture, importation, possession, use, purchase, sale or otherwise transferring of a large-capacity magazine ...” (Section 11(6)). Given that this is a new crime, it is not possible for CJC to provide an estimated impact of this section.

METHODOLOGY

Arrest data were queried from the Law Enforcement Data System (LEDS), which includes data on all fingerprinted arrests. Any reported arrest data includes arrest events with at least one charge for the statutes listed. It is possible that other crimes may be associated with an arrest event as well, but that information is not reported in this statement.

Conviction data were queried from the Oregon Judicial Department’s Odyssey or Oregon eCourt data system, which includes felony and misdemeanor convictions from Oregon’s circuit courts. Convictions occurring in municipal courts or justice courts are not included, as these courts do not provide data to the Oregon Judicial Department or the CJC. Any reported conviction data includes cases with at least one charge for the statutes listed. It is possible that other charges and convictions could also be included on a single case, but that information is not reported in this statement.