

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 411

H.P. 265

House of Representatives, February 4, 2025

An Act to Amend the Law Governing the Disposition of Forfeited Firearms

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SACHS of Freeport.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: ARFORD of Brunswick, CLOUTIER of Lewiston, DOUDERA of Camden,
KUHN of Falmouth, LEE of Auburn, MOONEN of Portland, SAYRE of Kennebunk, ZAGER
of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §3314, sub-§6**, as amended by PL 2019, c. 113, Pt. C, §50, is
3 further amended to read:

4 **6. Forfeiture of firearms.** As part of every disposition in every proceeding under this
5 code, every firearm that constitutes the basis for an adjudication for a juvenile crime that,
6 if committed by an adult, would constitute a violation of section 393; Title 17-A, section
7 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph
8 C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; Title 17-A, section 1105-D,
9 subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and
10 every firearm used by the juvenile or any accomplice during the course of conduct for
11 which the juvenile has been adjudicated to have committed a juvenile crime that would
12 have been forfeited pursuant to Title 17-A, section 1504 if the criminal conduct had been
13 committed by an adult must be forfeited to the State and the juvenile court shall so order
14 unless another person satisfies the court prior to the dispositional hearing and by a
15 preponderance of the evidence that the other person ~~had a right to possess the firearm, to~~
16 ~~the exclusion of the juvenile~~, at the time of the conduct that constitutes the juvenile crime,
17 was the rightful owner from whom the firearm had been stolen and the other person was
18 not a principal or accomplice in the commission of the juvenile crime. Rules adopted by
19 the Attorney General that govern the disposition of firearms forfeited pursuant to Title
20 17-A, section 1504 govern forfeitures under this subsection.

21 **Sec. 2. 15 MRSA §5826, sub-§5, ¶A**, as enacted by PL 1995, c. 421, §1, is
22 amended to read:

23 A. ~~The~~ Except as provided in Title 17-A, section 1504, subsection 2, paragraph B, the
24 petitioner has a legal right, title or interest in the property and the right, title or interest
25 renders the order of forfeiture invalid in whole or in part because the right, title or
26 interest was vested in the petitioner rather than in any defendant or was superior to any
27 right, title or interest to the exclusion of any defendant at the time of the commission
28 of the acts that gave rise to the forfeiture of the property under this section; or

29 **Sec. 3. 17-A MRSA §1504, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is
30 amended to read:

31 **2. Prohibited forfeiture.** ~~Except as provided in subsection 3, a~~ A court may not order
32 the forfeiture of a firearm otherwise qualifying for forfeiture under subsection 1 if, prior to
33 the imposition of the person's sentence:

34 ~~A. For a crime other than murder or any other unlawful homicide crime, another person~~
35 ~~satisfies the court by a preponderance of the evidence that the other person, at the time~~
36 ~~of the commission of the crime, had a right to possess the firearm to the exclusion of~~
37 ~~the convicted person; or~~

38 ~~B. For the crime of murder or any other unlawful homicide crime, another~~ Another
39 person satisfies the court by a preponderance of the evidence that the other person, at
40 the time of the commission of the crime, was the rightful owner from whom the firearm
41 had been stolen and the other person was not a principal or accomplice in the
42 commission of the crime.

1 **Sec. 4. 17-A MRSA §1504, sub-§3**, as enacted by PL 2019, c. 113, Pt. A, §2, is
2 repealed.

3 **Sec. 5. 17-A MRSA §1504, sub-§4**, as enacted by PL 2019, c. 113, Pt. A, §2, is
4 amended to read:

5 **4. Disposition of forfeited firearms.** The Attorney General shall adopt rules
6 governing the disposition to state, county and municipal agencies of firearms forfeited
7 under this section. A firearm ~~used during a murder or other unlawful homicide crime~~
8 forfeited under this section that does not meet the prohibition from forfeiture under
9 subsection 2, paragraph B must be destroyed by the State.

10 **Sec. 6. Attorney General; rules for forfeited firearms.** In accordance with the
11 Maine Revised Statutes, Title 17-A, section 1504, subsection 4, the Attorney General shall
12 update rules governing the disposition of forfeited firearms to state, county and municipal
13 agencies including updated processes for the destruction of forfeited firearms under state
14 law.

15 SUMMARY

16 This bill amends the law governing the disposition of firearms that have been forfeited
17 to the State as a mandatory part of a criminal sentence under the general sentencing
18 provisions of the Maine Criminal Code. Current law requires that forfeited firearms used
19 in commission of a murder or unlawful homicide crime be destroyed by the State. The bill
20 extends the requirement to all firearms that have been forfeited as mandated by the general
21 sentencing provisions of the Maine Criminal Code. The bill also eliminates one of the
22 exceptions to mandatory forfeiture applying to cases in which the firearm subject to
23 forfeiture is rightfully owned by another person. The bill amends the provision of law
24 governing forfeiture of firearms within the Maine Juvenile Code to align with the general
25 sentencing provisions as amended by this bill. The bill amends the relevant asset forfeiture
26 laws to align with the narrowed exception for 3rd-party claims to firearms subject to
27 forfeiture as provided by this bill. Finally, the bill directs the Attorney General to update
28 rules governing the disposition of forfeited firearms under state law.