

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1651, L.D. 2284, Bill, "An Act to Provide for Forfeiture of Weapons Used in Crimes Against Persons"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'17-A MRSA §1158. as enacted by PL 1989, c. 382, is amended to read:

**§1158. Forfeiture of firearms**

As part of every judgment of conviction and sentence imposed, every firearm used by the defendant or any accomplice during the commission of any murder or Class A, Class B or Class C crime ~~shall or any Class D crime defined in chapter 9, 11 or 13~~ must be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the firearm, to the exclusion of the defendant, at the time of the offense. The Attorney General shall adopt rules in accordance with Title 5, chapter 375, governing the disposition to state, county and municipal agencies of firearms forfeited under this section.

**FISCAL NOTE**

If this bill is enacted, the Judicial Department anticipates an increase in the work load of court clerks and judges. The additional costs incurred as a result of this bill can be absorbed within the budgeted resources of the Judicial Department.'

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**STATEMENT OF FACT**

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This amendment replaces the bill.

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8 This amendment extends to certain Class D crimes the  
10 provision in current law that requires, as part of a conviction  
12 for certain crimes, that any firearm used during the commission  
14 of those crimes be forfeited. This amendment adds certain Class  
16 D crimes against persons not otherwise covered by specifically  
18 including the Maine Revised Statutes, Title 17-A, chapter 9,  
Offenses Against the Person; Title 17-A, chapter 11, Sexual  
Assaults; and Title 17-A, chapter 13, Kidnapping and Criminal  
Restraint. The Class D crimes requiring forfeiture of any  
firearm used during a crime, once the person has been convicted,  
include assault, assault while hunting, criminal threatening,  
terrorizing, reckless conduct, sexual abuse of minors, unlawful  
sexual contact and criminal restraint.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/26/90 (Filing No. H-995)