

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 660, L.D. 898, Bill, "An
Act Concerning Juvenile Offenders"

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

Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 1989, c. 917,
§1, is repealed and the following enacted in its place:

1. Possession prohibited. A person may not own, possess or
have under that person's control a firearm, unless that person
has obtained a permit under this section, if that person:

A. Has been convicted of a crime, under the laws of the
United States, this State or any other state, that is
punishable by imprisonment for one year or more;

B. Has been convicted of a crime, under the laws of the
United States, this State or any other state, that was
committed with the use of a dangerous weapon or a firearm
against a person, except for a violation of former Title 12,
chapter 319, subchapter III; or

C. Has been adjudicated in this State or under the laws of
the United States or any other state to have engaged in
conduct as a juvenile that, if committed by an adult, would
have been a disqualifying conviction:

(1) Under paragraph A and bodily injury to another
person was threatened or resulted; or

(2) Under paragraph B.

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For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 15 MRSA §393, sub-§1-A is enacted to read:

1-A. Limited prohibition for nonviolent juvenile offenses.
A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 3. 15 MRSA §393, sub-§2, as amended by PL 1985, c. 478, §1, is further amended to read:

2. Application after 5 years. Any A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from any and all the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a firearm. Such-a That person shall may not be issued a license permit to carry a concealed firearm pursuant to Title 25, chapter 253-A 252.

Sec. 4. 25 MRSA §2003, sub-§1, ¶C, as enacted by PL 1985, c. 478, §2, is repealed.

Sec. 5. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1989, c. 917, §8, is further amended to read:

D. Submits an application that contains the following:

- (1) Full name;
- (2) Full current address and addresses for the prior 5 years;
- (3) The date and place of birth, height, weight and, color of eyes, color of hair, sex and race;
- (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms or other concealed weapons by any issuing authority in the State or any other jurisdiction. The

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record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and

(5). Answers to the following questions.

(a) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a crime that is punishable by one year or more imprisonment or for any other crime alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?

(b) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that involves ~~conduct that, if committed by an adult, would be punishable by one year or more imprisonment or for any other juvenile offense alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?~~

(i) Involves conduct that, if committed by an adult, would be punishable by one year or more imprisonment and bodily injury to another person was threatened or resulted; or

(ii) Is alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?

(b-1) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that involves conduct that, if committed by an adult, would be punishable by one year or more imprisonment, other than an offense described in division (b)?

(c) Have you ever been convicted of a crime described in division (a) or adjudicated as having committed a juvenile offense as described in division (b)?

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- 2 (c-1) Have you ever been adjudicated as having
3 committed a juvenile offense as described in
4 division (b-1)?
- 6 (d) Are you a fugitive from justice?
- 8 (e) Are you a drug abuser, drug addict or drug
9 dependent person?
- 10 (f) Do you have a mental disorder that causes you
11 to be potentially dangerous to yourself or others?
- 12 (g) Have you been adjudicated to be an
13 incapacitated person pursuant to Title 18-A,
14 Article V, Parts 3 and 4, and not had that
15 designation removed by an order under Title 18-A,
16 section 5-307, subsection (b)?
- 18 (h) Have you been dishonorably discharged from
19 the military forces within the past 5 years?
- 21 (i) Are you an illegal alien?
- 23 (j) Have you been convicted of a violation of
24 Title 17-A, section 1057 within the past 5 years?
- 26 (k) Have you been adjudicated within the past 5
27 years as having committed a juvenile offense
28 involving conduct that, if committed by an adult,
29 would be a violation of Title 17-A, section 1057?
- 31 (l) To your knowledge, have you been the subject
32 of an investigation by any law enforcement agency
33 within the past 5 years regarding the alleged
34 abuse by you of family or household members?
- 36 (m) Have you been convicted within the past 5
37 years of 3 or more crimes punishable by
38 imprisonment of less than one year?
- 40 (n) Have you been adjudged adjudicated within the
41 past 5 years to have committed 3 or more juvenile
42 offenses involving conduct that, if committed by
43 an adult, would be punishable by imprisonment of
44 less than one year?
- 46 (o) To your knowledge, have you engaged within
47 the past 5 years in reckless or negligent conduct
48 that has been the subject of an investigation by a
49 governmental entity?; and
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2 Maine law also covers juveniles adjudicated as having
3 committed offenses that, if committed by an adult, would be
4 felonies. Federal law does not address juvenile offenses.
5 Therefore, there is no federal prohibition on Maine changing or
6 lifting the restrictions on a person adjudicated as having
7 committed a felony-like offense. This amendment addresses that
8 area and limits the types of offenses that disqualify a juvenile
9 offender from possessing a firearm.

10
11 This amendment disqualifies from possession of a firearm a
12 person who was adjudicated as having committed a juvenile offense:

13
14 1. That was committed with the use of a dangerous weapon or
15 a firearm against a person; or

16
17 2. That, if the offense had been committed by an adult,
18 would be a felony and the offense involved the threat of bodily
19 injury or resulted in bodily injury.

20
21 This description is intended to disqualify those adjudicated
22 has having committed a felony-like juvenile offense in which
23 violence or the threat of violence was involved. Persons
24 adjudicated as having committed a juvenile offense that would
25 have been a felony and that does not involve violence or the
26 threat of violence are prohibited from possessing a firearm for 3
27 years or until they turn 18 years of age, whichever period is
28 longer.

29
30 The concealed firearm permit provisions are amended to
31 parallel the revised provisions concerning the possession of
32 firearms by felons.

Reported by the Committee on Judiciary
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6/2/93 (Filing No. H-524)