

MAINE STATE LEGISLATURE

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L.D. 1173

DATE: 5/22/95

(Filing No. H- 286)

CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 842, L.D. 1173, Bill, "An Act to Add Forfeiture of a Firearm as a Sentence Alternative for the Crime of Possession of a Firearm by a Felon"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Maine Criminal Code Sentence Alternative for Forfeiture of Firearms'

Further 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. 17-A MRSA §1158, as amended by PL 1989, c. 815, is further amended to read:

§1158. Forfeiture of firearms

As part of every judgment of conviction and sentence imposed, every firearm that constitutes the basis for conviction under Title 15, section 393 or under section 1105, subsection 1, paragraph C or that is used by the defendant or any accomplice during the commission of any murder or Class A, Class B or Class C crime 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,

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2 at the time of the offense. The Attorney General shall adopt
3 rules in accordance with Title 5, chapter 375, governing the
4 disposition to state, county and municipal agencies of firearms
5 forfeited under this section.'

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STATEMENT OF FACT

10 This amendment replaces the bill. This amendment amends the
11 Maine Revised Statutes, Title 17-A, section 1158 to clarify that
12 it applies to the forfeiture of all firearms that constitute the
13 basis for a conviction under Title 15, section 393, a Class C
14 crime prohibiting ownership, possession and control of firearms
15 by certain persons, including felons. It further amends Title
16 17-A, section 1158 to clarify that it applies to forfeiture of
17 all firearms that constitute the basis for a conviction under
18 Title 17-A, section 1105, subsection 1, paragraph C, a form of
19 aggravated trafficking or furnishing, elevating the class of any
20 violation of Title 17-A, section 1103, 1104 or 1106 when the
person uses, carries, possesses or is armed with a firearm.