

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1173

H.P. 842

House of Representatives, April 4, 1995

**An Act to Add Forfeiture of a Firearm as a Sentence Alternative for the
Crime of Possession of a Firearm by a Felon.**

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Representative: JOHNSON of South Portland.

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

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3 **Sec. 1. 15 MRSA §393, sub-§8**, as enacted by PL 1977, c. 225,
4 §2, is amended to read:

6 **8. Penalty.** A violation of subsection 1 is a Class C
7 crime. As part of every judgment of conviction and sentence
8 imposed, every firearm illegally owned, possessed or under the
9 defendant's control must be forfeited to the State and the court
10 shall so order, unless another person can satisfy the court prior
11 to the judgment and by a preponderance of the evidence that the
12 other person had a right to possess the firearm, to the exclusion
13 of the defendant, at the time of the offense. Disposition of
14 firearms forfeited is pursuant to the Attorney General's rules
15 adopted under Title 17-A, section 1158.

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STATEMENT OF FACT

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21 This bill requires the forfeiture of a firearm or firearms
22 illegally owned, possessed or under a defendant's control. It is
modelled after the sentence alternative currently found in the
Maine Criminal Code.