

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

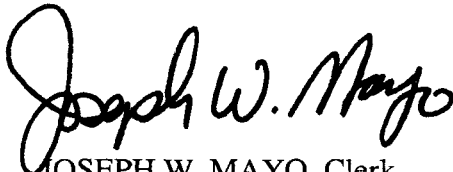
No. 1996

H.P. 1391

House of Representatives, March 23, 1999

An Act to Allow the Forfeiture of Firearms Seized during a Lawful Search for Scheduled Drugs.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Representatives: DAIGLE of Arundel, MADORE of Augusta.

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

4 **Sec. 1. 17-A MRSA §1158**, as amended by PL 1995, c. 252, §1,
is further amended to read:

6 **§1158. Forfeiture of firearms**

8 As part of every judgment of conviction and sentence
10 imposed, every firearm that constitutes the basis for conviction
12 under Title 15, section 393 or under section 1105, subsection 1,
14 paragraph C or that is used by the defendant or any accomplice
16 during the commission of any murder or Class A, Class B or Class
18 C crime or any Class D crime defined in chapter 9, 11 or 13 or
20 that was seized during a lawful search for scheduled drugs in
22 which scheduled drugs were found and for which the defendant is
24 subsequently convicted of an offense under chapter 45 must be
forfeited to the State at the State's request 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.

26 **SUMMARY**

28 This bill amends the firearms forfeiture laws to require a
30 defendant who is convicted of a drug offense to forfeit, if the
State requests, any firearm seized during a lawful search for
32 drugs during which drugs were found.