

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 1005, L.D. 2573, Bill, "An Act to Prohibit Persons Under 21 Years of Age from Purchasing Handguns"

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

'An Act to Limit Minors' Access to Handguns'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §554-A, sub-§2, as enacted by PL 1995, c. 263, §3, is amended to read:

2. A Except as provided in sections 554-B and 554-C, a person is guilty of unlawfully transferring a firearm to a minor if that person, who is not the parent, foster parent or guardian of the minor, knowingly transfers a firearm to a minor.

Sec. 2. 17-A MRSA §§554-B and 554-C are enacted to read:

§554-B. Unlawful transfer of handgun to minor

1. As used in this section, the following terms have the following meanings.

A. "Ammunition" means ammunition or cartridge cases, primers, bullets or propellant powder designed for use and suitable for use only in any handgun.

2 B. "Handgun" means a firearm that has a short stock and is
4 designed to be held and fired by the use of a single hand or
6 any combination of parts from which a handgun can be
8 assembled.

10 C. "Minor" means a person under 18 years of age.

12 D. "Transfer" means to sell, furnish, give, lend, deliver
14 or otherwise provide with or without consideration.

16 2. A person is guilty of unlawfully transferring a handgun
18 to a minor if that person knowingly transfers a handgun or
20 ammunition to a person who the transferor knows or has reasonable
22 cause to believe is a minor.

24 3. This section does not apply to:

26 A. A temporary transfer of a handgun to a minor if the
28 handgun is possessed and used by the minor:

30 (1) With the prior written consent of the minor's
32 parent or guardian, and that parent or guardian is not
34 prohibited by federal, state or local law from
36 possessing a firearm; or

38 (2) In the course of employment, target practice,
40 hunting or instruction in the safe and lawful use of a
42 handgun.

44 The minor may transport an unloaded handgun in a locked
46 container directly from the place of transfer to a
48 place at which an activity described in this
subparagraph is to take place and directly from the
place at which such an activity took place to the
transferor;

B. A minor who is a member of the Armed Forces of the
United States or the National Guard who possesses or is
armed with a handgun in the line of duty;

C. A transfer by inheritance of title, but not possession,
of a handgun or ammunition to a minor; or

D. The possession of a handgun or ammunition by a minor
taken in defense of the minor or other persons against an
intruder into the residence of the minor or a residence in
which the minor is an invited guest.

2 4. The State may not permanently confiscate a handgun or
4 ammunition that is transferred to a minor in circumstances in
6 which the transferor is not in violation of this section and if
8 the possession of the handgun by the minor subsequently becomes
 unlawful because of the conduct of the minor. When that handgun
 or ammunition is no longer required by the State for the purposes
 of investigation or prosecution, the handgun must be returned to
 the lawful owner.

10 5. Unlawful transfer of a handgun to a minor is a Class D
 crime.

12 **§554-C. Unlawful sale or delivery of handgun to minor by**
14 **licensee**

16 1. As used in this section, the following terms have the
 following meanings.

18 A. "Ammunition" means ammunition or cartridge cases,
20 primers, bullets or propellant powder designed for use and
 suitable for use only in any handgun.

22 B. "Handgun" means a firearm that has a short stock and is
24 designed to be held and fired by the use of a single hand or
26 any combination of parts from which a handgun can be
 assembled.

28 C. "Licensee" means a licensed importer, manufacturer,
30 dealer or collector who is licensed under 18 United States
 Code, Chapter 44, Section 921, et seq.

32 D. "Minor" means a person under 21 years of age.

34 2. A licensee is guilty of unlawfully selling or delivering
36 a handgun to a minor if that licensee knowingly sells or delivers
 a handgun or ammunition to a person who the licensee knows or has
 reasonable cause to believe is a minor.

38 3. Unlawful sale or delivery of a handgun to a minor is a
40 Class D crime.'

42 Further amend the bill by inserting at the end before the
44 summary the following:

46 **FISCAL NOTE**

48 This bill may increase prosecutions for Class D crimes. If
50 a jail sentence is imposed, the additional costs to the counties
 are estimated to be \$83.36 per day per prisoner. The number of

2 prosecutions that may result in a jail sentence and the resulting
costs to the county jail system are expected to be insignificant.

4 The additional workload, administrative costs and indigent
6 defense costs associated with the minimal number of new cases
filed in the court system can be absorbed within the budgeted
8 resources of the Judicial Department. The collection of
additional fines may also increase General Fund revenue by minor
amounts.'

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SUMMARY

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This amendment changes the title, replaces the bill and is
16 the minority report of the Joint Standing Committee on Criminal
Justice. The amendment reflects current federal law regarding
18 the transfer of handguns to minors, including exceptions to
prohibitions. Specifically, the amendment does the following.

20

1. The amendment prohibits a person from transferring a
22 handgun or ammunition that is suitable for use only in a handgun
to persons less than 18 years of age. A violation of this
prohibition is a Class D crime.

24

26

2. The amendment prohibits federally licensed firearm
importers, manufacturers, dealers or collectors from selling or
28 delivering a handgun or ammunition that is suitable only for use
in a handgun to persons less than 21 years of age. A violation
of this prohibition is a Class D crime.

30

3. The amendment also adds a fiscal note.