

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1620

H.P. 1198

House of Representatives, March 13, 2001

**An Act to Enact Mandatory Minimum Sentences for Firearms Offenses
to Make the State Eligible for Firearms Sentencing Incentive Grants.**

(EMERGENCY)

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MUSE of South Portland.
Cosponsored by Representative GLYNN of South Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 **Whereas,** violence and drugs take a toll on the citizens of
the State, particularly women and children; and

8 **Whereas,** the use and possession of firearms greatly
aggravate violent and drug-related criminal activity; and

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12 **Whereas,** the Federal Government is offering states grants to
combat the use of firearms in violent and drug-related criminal
activity; and

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16 **Whereas,** these grants can not be received to help protect
the citizens of the State from criminal activity involving
firearms until the provisions of this legislation are
implemented; and

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20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
24 safety; now, therefore,

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

28 **Sec. 1. 17-A MRSA §2, sub-5-C** is enacted to read:

30 5-C. Crime of violence. "Crime of violence" means a crime
32 that involves damage or destruction of property, offensive
physical contact or bodily injury or the threat of damage or
34 destruction of property, offensive physical contact or bodily
injury.

36 **Sec. 2. 17-A MRSA §§1058 and 1059** are enacted to read:

38 §1058. Criminal possession of firearm

40 1. A person is guilty of criminal possession of a firearm
if:

42 A. The person has been convicted of a crime of violence; and

44 B. Is in possession of a firearm.

46 2. Notwithstanding any other provision of this Title, a
48 person convicted under this section must be sentenced to a term
of imprisonment of 5 years and may not be placed on probation.

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