

MAINE STATE LEGISLATURE

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R.G.S.

L.D. 2163

DATE: 3-22-02

(Filing No. H-1000)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1658, L.D. 2163, Bill, "An Act to Implement the Recommendations of the Commission to Study Domestic Violence"

Amend the amendment by inserting after Part F the following:

PART G

Sec. G-1. 19-A MRSA §4007, sub-§10 is enacted to read:

10. Statement. A protective order issued by a court must contain a statement warning the defendant that violation of the order while in possession of or direct physical control of a firearm or other dangerous weapon is a Class C crime, punishable by up to 5 years in prison, regardless of whether the defendant is authorized to carry the weapon.

Sec. G-2. 19-A MRSA §4011, sub-§1, as amended by PL 2001, c. 420, §1, is further amended to read:

1. Crime committed. Except as provided in subsections 1-A, 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or

B. A court-approved consent agreement.

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1658,
L.D. 2163

2 **Sec. G-3. 19-A MRSA §4011, sub-§1-A** is enacted to read:

4 **1-A. Violation of order; direct physical control of**
6 **dangerous weapon. If a defendant violates a physical restraint**
8 **of an order while having direct physical control over a firearm**
10 **or other dangerous weapon, that violation is a Class C crime.**
 This subsection supersedes any otherwise valid permit to have or
 possess a firearm or other dangerous weapon, including a
 concealed firearms permit.'

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FISCAL NOTE

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16 This amendment may increase prosecutions for Class C
18 crimes. Sentences of more than 9 months imposed for Class C
 crimes must be served in state correctional institutions. The
 cost to the State per sentence is \$73,330 based upon an average
 length of stay of 2 years and 4 months.

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22 The Judicial Department may require additional General Fund
24 appropriations to cover indigent defense costs related to these
 new cases. The amounts can not be estimated at this time. The
 additional workload and administrative costs associated with the
26 minimal number of new cases filed in the court system can be
 absorbed within the budgeted resources of the Judicial
28 Department. The collection of additional fines may also increase
 General Fund revenue by minor amounts.

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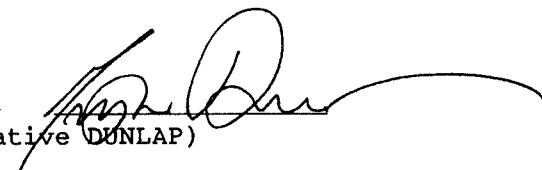
SUMMARY

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34 This amendment makes it a Class C crime to violate a
 protection order while having direct physical control of a
 firearm or other dangerous weapon, regardless of any other
36 authority to possess that weapon. A protective order issued to a
 defendant is required to have a statement to this effect.

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SPONSORED BY: 
 (Representative DUNLAP)

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TOWN: Old Town

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