

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 141, L.D. 404, Bill, "An Act To Limit the Transfer of Handguns to Minors"

Amend the bill in section 1 in subsection 2 in the first line (page 1, line 6 in L.D.) by striking out the following: "sections 554-B and 554-C" and inserting in its place the following: 'section 554-B'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 17-A MRSA §554-B is 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. "Handgun" means a firearm that has a short stock and is designed to be held and fired by the use of a single hand, or any combination of parts from which a handgun can be assembled.

B. "Minor" means a person under 18 years of age.

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

2 2. A person is guilty of unlawfully transferring a handgun  
3 to a minor if that person knowingly transfers a handgun to a  
4 person who the transferor knows or has reasonable cause to  
5 believe is a minor.

6 3. This section does not apply to:

7 A. A temporary transfer of a handgun to a minor:

8 (1) With the prior written consent of the minor's  
9 parent or guardian and that parent or guardian is not  
10 prohibited by federal, state or local law from  
11 possessing a firearm; or

12 (2) In the course of employment, target practice,  
13 hunting or instruction in the safe and lawful use of a  
14 handgun.

15 The minor may transport an unloaded handgun in a locked  
16 container directly from the place of transfer to a  
17 place at which an activity described in this  
18 subparagraph is to take place and directly from the  
19 place at which such an activity took place to the  
20 transferor;

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

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

26 D. The transfer of a handgun to a minor when the minor  
27 takes the handgun in self-defense or in defense of another  
28 person against an intruder into the residence of the minor  
29 or a residence in which the minor is an invited guest.

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

38 5. The following penalties apply.

39 A. A person who violates this section commits a Class D  
40 crime, except as provided in paragraph B.

2           B. A person who violates this section and, at the time of  
4           the offense, has a prior conviction for unlawfully  
6           transferring a handgun to a minor commits a Class C crime.  
          Section 9-A governs the use of prior convictions when  
          determining a sentence.'

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### SUMMARY

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12           This amendment lowers the penalty for unlawful transfer of a  
14           handgun to a minor from a Class C crime in all cases to a Class D  
16           crime for the first offense and a Class C crime for a 2nd and all  
18           subsequent offenses. The amendment also makes technical changes  
20           to clarify that possession of a handgun by a minor is not covered  
          within the bill's scope. Finally, the amendment deletes the  
          portion of the bill regarding commercial firearms dealers.  
          Licensed commercial firearms dealers currently are prohibited by  
          federal law from transferring handguns to persons under 21 years  
          of age.

FISCAL NOTE REQUIRED,  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 404**

**An Act To Limit the Transfer of Handguns to Minors**



**LR 1036(02)**

**Fiscal Note for Bill as Amended by Committee Amendment** *AS-86*  
**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund  
Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements**

Establishes Class C and D crimes; increases correctional and judicial costs