



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1938

S.P. 739

In Senate, January 4, 2006

An Act To Protect Victims of Domestic Violence

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator STRIMLING of Cumberland. Cosponsored by Representative PELLETIER-SIMPSON of Auburn and Senators: BROMLEY of Cumberland, DAMON of Hancock, HASTINGS of Oxford, NUTTING of Androscoggin, Representatives: CANAVAN of Waterville, DAVIS of Augusta, NASS of Acton.

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

2 Sec. 1. 19-A MRSA §4012, sub-§9 is enacted to read: 4 9. Notification of attempted purchase of firearm. When the 6 Department of Public Safety receives notification from a federal agency that a background criminal records check conducted 8 pursuant to 18 United States Code, Section 922 indicates that the potential buyer or transferee is prohibited from receipt or 10 possession of a firearm pursuant to a temporary or final protection from abuse order, the department shall make every 12 reasonable effort to promptly notify both the individual intended to be protected by the protection from abuse order and the police 14 department in the municipality in which that individual resides of the information received from the federal agency. 16 Sec. 2. 19-A MRSA §4012, sub-§10 is enacted to read: 18 10. Liability for damages. The State, a political 20 subdivision of the State or a law enforcement officer is not liable for damage that may be caused by the failure or inability 22 to inform an individual who is the subject of a protection from abuse order in accordance with subsection 9. Nothing in this 24 subsection may be construed to prevent the State or a political subdivision of the State from pursuing disciplinary action in accordance with the law and rules and regulations adopted thereto. 26

28 **30**

This bill requires the Department of Public Safety, upon learning through a criminal background check that an individual 32 subject to a protection from abuse order has illegally attempted to purchase a firearm, to share the information with the 34 individual who is intended to be protected by the order and the local police so that adequate precautions can be taken to 36 The bill also minimize the risk of further domestic violence. specifies that the State, a political subdivision of the State or 38 a law enforcement officer may not be held liable for damage that may be caused by the failure or inability to inform an individual 40 who is the subject of a protection from abuse order in accordance with this bill. 42

SUMMARY