

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1211, L.D. 1728, Bill, "An Act To Strengthen the Authority of Concealed Weapons Permits and Define the Term "Crossbow" in Maine Law"

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

'An Act To Strengthen the Authority of Concealed Weapons Permits'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 2005, c. 527, §2, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm ~~or crossbow~~, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1211, L.D. 1728

1 (4) A crime under the laws of any other state that, in accordance with the laws
2 of that jurisdiction, does not come within subparagraph (3) but is elementally
3 substantially similar to a crime in this State that is punishable by a term of
4 imprisonment for one year or more; or

5 (5) A crime under the laws of the United States, this State or any other state or
6 the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the
7 prosecuting authority was required to plead and prove that the person committed
8 the crime with the use of:

9 (a) A firearm ~~or crossbow~~ against a person; or

10 (b) Any other dangerous weapon;

11 C. Has been adjudicated in this State or under the laws of the United States or any
12 other state to have engaged in conduct as a juvenile that, if committed by an adult,
13 would have been a disqualifying conviction:

14 (1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another
15 person was threatened or resulted; or

16 (3) Under paragraph A-1, subparagraph (5); or

17 D. Is subject to an order of a court of the United States or a state, territory,
18 commonwealth or tribe that restrains that person from harassing, stalking or
19 threatening an intimate partner, as defined in 18 United States Code, Section 921(a),
20 of that person or a child of the intimate partner of that person, or from engaging in
21 other conduct that would place the intimate partner in reasonable fear of bodily injury
22 to the intimate partner or the child, except that this paragraph applies only to a court
23 order that was issued after a hearing for which that person received actual notice and
24 at which that person had the opportunity to participate and that:

25 (1) Includes a finding that the person represents a credible threat to the physical
26 safety of an intimate partner or a child; or

27 (2) By its terms, explicitly prohibits the use, attempted use or threatened use of
28 physical force against an intimate partner or a child that would reasonably be
29 expected to cause bodily injury.

30 For the purposes of this subsection, a person is deemed to have been convicted upon the
31 acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of
32 the equivalent in a juvenile case, by a court of competent jurisdiction.

33 For the purposes of this subsection, a person is deemed to have been found not criminally
34 responsible by reason of insanity upon the acceptance of a plea of not criminally
35 responsible by reason of insanity or a verdict or finding of not criminally responsible by
36 reason of insanity, or of the equivalent in a juvenile case, by a court of competent
37 jurisdiction.

38 **Sec. 2. 15 MRSA §393, sub-§1-A**, as amended by PL 2005, c. 419, §8 and
39 affected by §12, is further amended to read:

1 **1-A. Limited prohibition for nonviolent juvenile offenses.** A person who has been
2 adjudicated in this State or under the laws of the United States or any other state to have
3 engaged in conduct as a juvenile that, if committed by an adult, would have been a
4 disqualifying conviction under subsection 1, paragraph A-1 but is not an adjudication
5 under subsection 1, paragraph C may not own or have in that person's possession or
6 control a firearm ~~or crossbow~~ for a period of 3 years following completion of any
7 disposition imposed or until that person reaches 18 years of age, whichever is later.

8 **Sec. 3. 15 MRSA §393, sub-§2**, as amended by PL 2005, c. 419, §9 and affected
9 by §12, is further amended to read:

10 **2. Application after 5 years.** A person subject to the provisions of subsection 1
11 may, after the expiration of 5 years from the date that the person is finally discharged
12 from the sentences imposed as a result of the conviction or adjudication, apply to the
13 Commissioner of Public Safety for a permit to carry a firearm ~~or crossbow~~. That person
14 may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252.
15 A permit issued pursuant to this subsection is valid for 4 years from the date of issue
16 unless sooner revoked for cause by the Commissioner of Public Safety.

17 **Sec. 4. 15 MRSA §393, sub-§3**, as amended by PL 2005, c. 527, §3, is further
18 amended to read:

19 **3. Contents.** An application under subsection 2 must be on a form prepared by the
20 Commissioner of Public Safety. The application must include the following: the
21 applicant's full name; all aliases; date and place of birth; place of legal residence;
22 occupation; make, model and serial number of the firearm ~~or crossbow~~ sought to be
23 possessed; date, place and nature of conviction; sentence imposed; place of incarceration;
24 name and address of probation or parole officer; date of discharge or release from prison
25 or jail or termination of probation, supervised release for sex offenders, parole or
26 administrative release; the reason for the request; and any other information determined
27 by the commissioner to be of assistance. The application must be accompanied by
28 certified or attested copies of the indictment, information or complaint, judgment and
29 commitment and discharge that are the subject of the conviction.

30 **Sec. 5. 25 MRSA §2003, sub-§1, ¶B**, as repealed and replaced by PL 2003, c.
31 341, §3, is amended to read:

32 B. Is not disqualified to possess a firearm pursuant to Title 15, section 393 ~~and~~, is
33 not disqualified as a permit holder under that same section and is not disqualified to
34 possess a firearm based on federal law as a result of a criminal conviction.

35 **Sec. 6. Maine Revised Statutes headnote amended; revision clause.** In the
36 Maine Revised Statutes, Title 15, chapter 15, in the chapter headnote, the words
37 "possession of firearms or crossbows by prohibited persons" are amended to read
38 "possession of firearms by prohibited persons" and the Revisor of Statutes shall
39 implement this revision when updating, publishing or republishing the statutes.'

40 **SUMMARY**

41 This amendment replaces the bill. Whereas the bill creates the definition of
42 "crossbow," the amendment strikes that definition and removes the current language in

1 the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a
2 crossbow by a convicted felon until 5 years after the person is discharged from the
3 sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter
4 15 regarding possession of firearms by a prohibited person. By removing "crossbow"
5 from that chapter, a person convicted of a felony may own, possess or have under that
6 person's control a crossbow without having to first apply for and receive a permit from
7 the Commissioner of Public Safety. The amendment retains that portion of the bill that
8 adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to
9 the subsection being valid 4 years from the date of issue unless sooner revoked for cause
10 by the issuing authority. The amendment also clarifies that disqualification to possess a
11 firearm based on federal law prohibiting possession under Title 25, section 2003,
12 subsection 1, paragraph B that appears in the bill must be based on federal criminal
13 conviction information.

14 **FISCAL NOTE REQUIRED**

15 (See attached)



123rd MAINE LEGISLATURE

LD 1728

LR 901(02)

**An Act To Strengthen the Authority of Concealed Weapons Permits and Define the Term "Crossbow"
in Maine Law**

**Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Criminal Justice and Public Safety**

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Will reduce Class C and D crimes.

Reductions in the collection of fines may decrease General Fund revenue by minor amounts.