

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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**Legislative Document**

**No. 690**

S.P. 265

In Senate, February 24, 2009

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**An Act Concerning Domestic Violence and Firearms**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SIMPSON of Androscoggin.  
Cosponsored by Representative BERRY of Bowdoinham, Representative SAVIELLO of  
Wilton and Senators: CRAVEN of Androscoggin, MARRACHÉ of Kennebec,  
Representatives: BECK of Waterville, COHEN of Portland, FLAHERTY of Scarborough,  
GOODE of Bangor, STUCKEY of Portland.

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

**Sec. 1. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2007, c. 194, §1, is further amended to read:**

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;

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

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

(a) A firearm against a person; or

(b) Any other dangerous weapon; or

(6) A crime that is a misdemeanor crime of domestic violence as that term is used in 18 United States Code, Section 922(g)(9) and defined in 18 United States Code, Section 921(a)(33);

**SUMMARY**

This bill brings Maine law into conformity with federal law. Specifically it adds to state law the existing federal prohibition against possession of firearms by one who has been convicted of a misdemeanor crime of domestic violence. This crime includes the use or attempted use of physical force or threatened use of a deadly weapon against a current or former spouse.