

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 594

H.P. 413

House of Representatives, February 21, 2013

**An Act To Prohibit Possession of a Firearm by a Person Who Has
Created a Police Standoff**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CHAPMAN of Brooksville.

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

2 **Sec. 1. 15 MRSA §393, sub-§1, ¶D**, as amended by PL 2007, c. 670, §5, is
3 further amended to read:

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

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

14 (2) By its terms, explicitly prohibits the use, attempted use or threatened use of
15 physical force against an intimate partner or a child that would reasonably be
16 expected to cause bodily injury; ~~or~~

17 **Sec. 2. 15 MRSA §393, sub-§1, ¶E**, as amended by PL 2009, c. 651, §1, is
18 further amended to read:

19 E. Has been:

20 (1) Committed involuntarily to a hospital pursuant to an order of the District
21 Court under Title 34-B, section 3864 because the person was found to present a
22 likelihood of serious harm, as defined under Title 34-B, section 3801, subsection
23 4-A, paragraphs A to C;

24 (2) Found not criminally responsible by reason of insanity with respect to a
25 criminal charge; or

26 (3) Found not competent to stand trial with respect to a criminal charge; ~~or~~

27 **Sec. 3. 15 MRSA §393, sub-§1, ¶F** is enacted to read:

28 F. Has been adjudicated to have created a police standoff in violation of Title 25,
29 section 3801 or under the laws of the United States or any other state.

30 **SUMMARY**

31 This bill adds to the list of persons prohibited from possessing a firearm a person who
32 has been adjudicated as creating a police standoff.