

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMY
ROFS

L.D. 724

Date: 5-16-13

(Filing No. H-183)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 497, L.D. 724, Bill, "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed"

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

'An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State'

Amend the bill in section 2 in subsection 3-B by striking out all of paragraph A (page 1, lines 32 to 39 in L.D.) and inserting the following:

'A. Except as provided in paragraph B or C, a firearm is subject to forfeiture to the State if the firearm is used by a person to commit a criminal act that in fact causes serious bodily injury or death to another human being and, following that act, the person attempts to commit suicide and the attempt results in the person's becoming incompetent to stand trial or the person is rendered incompetent to stand trial as the result of a justifiable use of deadly force by a law enforcement officer. Except as provided in paragraph B or C, a property right does not exist in the firearm subject to forfeiture.'

Amend the bill in section 2 in subsection 3-B by inserting after paragraph B the following:

'C. A firearm that is used in the commission of a criminal act described in paragraph A is exempt from forfeiture under this subsection if:

(1) The person who commits the criminal act, following that act, commits suicide or is killed as the result of a justifiable use of deadly force by a law enforcement officer, in which case the property right to the firearm is retained by the estate of the deceased; or

(2) The person who commits the criminal act, as a result of commission of the criminal act, becomes ineligible to possess or own firearms under federal law, in which case the property right to the firearm is transferred to the person or persons who would lawfully inherit the estate of the person who commits the criminal act under the laws governing probate.'

ROFS

1 Amend the bill in section 2 in subsection 3-B by striking out all of the last blocked
2 paragraph (page 2, lines 7 to 9 in L.D.) and inserting the following:

3 'If a firearm subject to forfeiture pursuant to this subsection is declared by a court to be
4 forfeited pursuant to section 5822, the law enforcement agency that has custody of the
5 firearm is authorized to determine the disposition of the firearm.'

6 **SUMMARY**

7 The bill requires the forfeiture and destruction of a firearm used in the commission of
8 a crime that causes death or serious bodily injury by a person who then, either due to
9 suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or
10 becomes incompetent to stand trial. This amendment makes the following changes to the
11 bill.

12 1. It provides that if the person commits suicide or is killed as a result of justifiable
13 actions of a law enforcement officer, the property right to the firearm is retained by the
14 estate of the deceased.

15 2. It provides that if the person who commits the criminal act, as a result of
16 commission of the criminal act, becomes ineligible to possess or own firearms under
17 federal law, the property right to the firearm is transferred to the person or persons who
18 would lawfully inherit the estate of the person who committed the crime if that person
19 who committed the crime were deceased.

20 3. It eliminates the requirement that a firearm subject to forfeiture be destroyed and
21 instead authorizes the law enforcement agency that has custody of the firearm to
22 determine the disposition of the firearm.

23 **SPONSORED BY:** TRB v Long
24 **(Representative LONG)**
25 **TOWN: Sherman**