

# MAINE STATE LEGISLATURE

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8/10/15  
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Date: 6/10/15

L.D. 600

(Filing No. H-389)

majority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 413, L.D. 600, Bill, "An Act To Conform Maine Law Regarding Persons Prohibited from Possessing Firearms with Federal Law"

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

'An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms'

Amend the bill in section 3 in the first line by striking out the following: "to K" and inserting the following: 'to J'

Amend the bill in section 3 in paragraph I in the last line (page 1, line 37 in L.D.) by inserting after the following: "conditions;" the following: 'or'

Amend the bill in section 3 in paragraph J in the last line (page 1, line 39 in L.D.) by striking out the following: "; or" and inserting the following: ';

Amend the bill in section 3 by striking out all of paragraph K (page 2, lines 1 and 2 in L.D.)

Amend the bill by inserting after section 3 the following:

'Sec. 4. 15 MRSA §393, sub-§1-A, as amended by PL 2007, c. 194, §2, is further amended to read:

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

COMMITTEE AMENDMENT

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Sec. 5. 15 MRSA §393, sub-§1-B is enacted to read:

1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:

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

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1); or

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

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period.

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

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

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after the effective date of this subsection.'

**SUMMARY**

This amendment modifies the provision in the bill regarding a prohibition on the possession of a firearm by a person convicted of a crime of domestic violence. This amendment provides that a person convicted or adjudicated of a Class D crime of domestic violence is prohibited from possessing a firearm for 5 years from the date of the conviction or adjudication. The prohibition expires at the end of the 5-year period unless the person is convicted of any subsequent crime during the 5-year period.