

# MAINE STATE LEGISLATURE

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# MAJORITY

L.D. 1160

Date: 6/2/15

(Filing No. S-165)

## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE

### SENATE

### 127TH LEGISLATURE

### FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 412, L.D. 1160, Bill, "An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime"

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

**Sec. 1. 17-A MRSA §705**, as amended by PL 1979, c. 129, is further amended to read:

#### **§705. Criminal simulation**

1. A person is guilty of criminal simulation if:

A. With intent to defraud, ~~he~~ the person makes or alters any property so that it appears to have an age, rarity, quality, composition, source or authorship ~~which~~ that it does not in fact possess; or, with knowledge of its true character and with intent to defraud, ~~he~~ the person transfers or possesses property so simulated. A violation of this paragraph is a Class E crime; ~~or~~

B. In return for a pecuniary benefit;

(1) ~~he~~ The person authors, prepares, writes, sells, transfers or possesses with intent to sell or transfer, an essay, term paper or other manuscript knowing that it will be, or believing that it probably will be, submitted by another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime; or

(2) ~~he~~ The person takes an examination for another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime;

C. ~~He~~ The person knowingly makes, gives or exhibits a false pedigree in writing of any animal. A violation of this paragraph is a Class E crime; ~~or~~

# COMMITTEE AMENDMENT

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D. With intent to defraud and to prevent identification:

(1) ~~He~~ The person alters, removes or obscures the manufacturer's serial number or any other distinguishing identification number, mark or symbol upon any automobile, snowmobile, outboard motor, motorboat, aircraft or any other vehicle or upon any machine, ~~firearm~~ or other object, other than a firearm. A violation of this subparagraph is a Class E crime; or

(2) ~~He~~ The person possesses any such object or any such item after that number has been altered, removed or obscured. A violation of this subparagraph is a Class E crime; or

E. With intent to defraud or to prevent identification:

(1) The person alters, removes or obscures the manufacturer's make, model or serial number on any firearm. A violation of this subparagraph is a Class C crime; or

(2) The person possesses a firearm altered as set out in subparagraph (1) or intentionally or knowingly transports any such firearm. A violation of this subparagraph is a Class C crime.

~~2. Criminal simulation is a Class E crime.~~

**SUMMARY**

This amendment replaces the bill. Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. This amendment changes the law to require either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime. It also makes this crime a Class C crime as is provided for in the bill.

This amendment also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud or to prevent identification commits the crime of criminal simulation.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 05/31/15 *mac*

# 127th MAINE LEGISLATURE

LD 1160

LR 1917(02)

**An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-165)**  
**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new Class C and Class E crimes; increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts.