

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

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Legislative Document

No. 1438

H.P. 982

House of Representatives, May 29, 2015

**An Act To Include Bows and Crossbows as Dangerous Weapons for
Purposes of Protection from Abuse Orders**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HEAD of Bethel. (GOVERNOR'S BILL)

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

2 **Sec. 1. 19-A MRSA §4006, sub-§2-A,** as enacted by PL 2003, c. 372, §2, is
3 amended to read:

4 **2-A. Temporary orders; possession of dangerous weapons.** The court may direct
5 the defendant not to possess a firearm, bow, crossbow or other dangerous weapon for the
6 duration of the temporary order if the complaint demonstrates:

- 7 A. Abuse that involves a firearm, bow, crossbow or other dangerous weapon; or
- 8 B. A heightened risk of immediate abuse to the plaintiff or a minor child. In
9 determining whether a heightened risk of immediate abuse is present, the court shall
10 consider, but is not limited to consideration of, whether:
- 11 (1) The temporary order of protection is not likely to achieve its purpose in the
12 absence of such a condition;
 - 13 (2) The defendant has violated orders of protection;
 - 14 (3) Past or present abuse to a victim resulted in injury;
 - 15 (4) The abuse occurred in public; and
 - 16 (5) The abuse includes:
 - 17 (a) Threats of suicide or homicide;
 - 18 (b) Killing or threatening to kill pets;
 - 19 (c) An escalation of violence;
 - 20 (d) Stalking behavior or extreme obsession;
 - 21 (e) Sexual violence;
 - 22 (f) Excessive alcohol or drug use; and
 - 23 (g) Abuse against a pregnant victim.

24 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other
25 dangerous weapon in a temporary order and if the defendant moves for dissolution or
26 modification of an order pursuant to subsection 7, the court must hear and decide the
27 motion as expeditiously as possible and must issue a written decision on the motion
28 within 24 hours after a hearing on that motion.

29 If the court prohibits the defendant from possessing a dangerous weapon other than a
30 firearm, bow or crossbow in a temporary order, the court shall specify the type of weapon
31 the defendant is prohibited from possessing.

32 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other
33 dangerous weapon in a temporary order, the court shall direct the defendant to relinquish,
34 within 24 hours after service of the order on the defendant or such earlier time as the
35 court specifies in the order, all firearms, bows, crossbows and specified dangerous
36 weapons in the possession of the defendant to a law enforcement officer or other
37 individual for the duration of the order. If the weapons are relinquished to an individual

1 other than a law enforcement officer, the defendant must file, within 24 hours after such
2 relinquishment, with the court or local law enforcement agency designated in the order a
3 written statement that contains the name and address of the individual holding the
4 weapons and a description of all weapons held by that individual. The court may
5 subsequently issue a search warrant authorizing a law enforcement officer to seize any
6 firearms, bows, crossbows and other dangerous weapons at any location if there is
7 probable cause to believe such firearms, bows, crossbows or dangerous weapons have not
8 been relinquished by the defendant.

9 **Sec. 2. 19-A MRSA §4007, sub-§1, ¶A-1**, as enacted by PL 1997, c. 334, §5, is
10 amended to read:

11 A-1. Directing the defendant not to possess a firearm, bow, crossbow or other
12 dangerous weapon for the duration of the order;

13 **Sec. 3. 19-A MRSA §4007, sub-§1-A**, as enacted by PL 2003, c. 372, §3, is
14 amended to read:

15 **1-A. No possession of firearm, bow or crossbow or dangerous weapons for**
16 **duration of order.** If the court prohibits the defendant from possessing a dangerous
17 weapon other than a firearm, bow or crossbow, the court shall specify the type of weapon
18 the defendant is prohibited from possessing.

19 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other
20 dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after
21 service of the order on the defendant or such earlier time as the court specifies in the
22 order, all firearms, bows, crossbows and specified dangerous weapons in the possession
23 of the defendant to a law enforcement officer or other individual for the duration of the
24 order. If the weapons are relinquished to an individual other than a law enforcement
25 officer, the defendant must file, within 24 hours after such relinquishment, with the court
26 or local law enforcement agency designated in the order a written statement that contains
27 the name and address of the individual holding the weapons and a description of all
28 weapons held by that individual. The court may subsequently issue a search warrant
29 authorizing a law enforcement officer to seize any firearms, bows, crossbows and other
30 dangerous weapons at any location if there is probable cause to believe such firearms,
31 bows, crossbows or dangerous weapons have not been relinquished by the defendant.

32 SUMMARY

33 Current law authorizes the court to prohibit a defendant who is subject to a protection
34 from abuse order from possessing a firearm or other dangerous weapon during the
35 duration of the order. This bill amends that law to specifically include bows and
36 crossbows as weapons that the court may prohibit a defendant from possessing during the
37 duration of a protection from abuse order.