

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 595

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H.P. 411

House of Representatives, February 16, 2017

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### **An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GUERIN of Glenburn.  
Cosponsored by Representatives: BRADSTREET of Vassalboro, CEBRA of Naples,  
JOHANSEN of Monticello, MAREAN of Hollis, REED of Carmel, SUTTON of Warren,  
Senator: ROSEN of Hancock.

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

2 **Sec. 1. 25 MRSA c. 252-B** is enacted to read:

3 **CHAPTER 252-B**

4 **PROHIBITION OF ORDERING CERTAIN ENFORCEMENT ACTIONS**

5 **§2021. Prohibition of ordering certain enforcement actions**

6 **1. Civil violation; first offense.** A law enforcement officer who orders a  
7 subordinate officer or other officer under the supervision of the law enforcement officer,  
8 pursuant to the authority of a federal law or regulation or an executive order of the  
9 President of the United States, to seize or confiscate a firearm or firearm accessory or  
10 ammunition in the possession of a resident of this State commits a civil violation for  
11 which the fine is \$1,000.

12 **2. Class D crime; subsequent offenses.** A law enforcement officer who orders a  
13 subordinate officer or other officer under the supervision of the law enforcement officer,  
14 pursuant to the authority of a federal law or regulation or executive order of the President  
15 of the United States, to seize or confiscate a firearm or firearm accessory or ammunition  
16 in the possession of a resident of this State after having committed a civil violation in  
17 violation of subsection 1 commits a Class D crime.

18 **3. Exceptions.** The provisions of subsections 1 and 2 do not apply to a law  
19 enforcement officer who orders a subordinate officer or other officer under the  
20 supervision of the law enforcement officer to seize or confiscate a firearm or firearm  
21 accessory or ammunition in the possession of a resident of this State if the firearm or  
22 firearm accessory or ammunition is being used in the commission of a Class A, Class B  
23 or Class C crime or if the law enforcement officer is assisting a federal law enforcement  
24 office or agency in conducting an investigative or enforcement action against suspected  
25 trafficking in scheduled drugs under Title 17-A, chapter 45 or suspected organized  
26 criminal activities.

27 **SUMMARY**

28 This bill prohibits a law enforcement officer from ordering a subordinate officer or  
29 other officer under the supervision of the law enforcement officer, pursuant to the  
30 authority of a federal law or regulation or executive order of the President of the United  
31 States, to seize or confiscate a firearm or firearm accessory or ammunition in the  
32 possession of a resident of this State. The bill designates a first violation of the law as a  
33 civil violation, punishable by a fine of \$1,000, and a second violation as a Class D crime.  
34 The provisions of the bill do not apply to a law enforcement officer who engages in the  
35 prohibited conduct if the firearm or firearm accessory or ammunition is being used in the  
36 commission of a Class A, Class B or Class C crime or if the law enforcement officer is  
37 assisting a federal law enforcement office or agency in conducting an investigative or  
38 enforcement action against suspected trafficking in scheduled drugs under the Maine  
39 Revised Statutes, Title 17-A, chapter 45 or suspected organized criminal activities.