

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1068

S.P. 336

In Senate, March 11, 2021

An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative DOUDERA of Camden and
Senator: BREEN of Cumberland, Representatives: TALBOT ROSS of Portland, ZAGER of
Portland.

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

2 **Sec. 1. 5 MRSA §4655, sub-§1, ¶A-1** is enacted to read:

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

5 If the court prohibits the defendant from possessing a dangerous weapon other than a
6 firearm, muzzle-loading firearm, bow or crossbow, the court shall specify the type of
7 weapon the defendant is prohibited from possessing.

8 **Sec. 2. 5 MRSA §4655, sub-§1-B** is enacted to read:

9 **1-B. No possession of firearm, muzzle-loading firearm, bow or crossbow or**
10 **dangerous weapons for duration of order.** If the court prohibits the defendant from
11 possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon
12 pursuant to an order under subsection 1, paragraph A-1, the court shall direct the defendant
13 to relinquish, within 24 hours after service of the order on the defendant or such earlier
14 time as the court specifies in the order, all firearms, muzzle-loading firearms, bows,
15 crossbows and specified dangerous weapons in the possession of the defendant to a law
16 enforcement officer or other individual for the duration of the order. If the weapons are
17 relinquished to an individual other than a law enforcement officer, the defendant shall file,
18 within 24 hours after such relinquishment, with the court or local law enforcement agency
19 designated in the order a written statement that contains the name and address of the
20 individual holding the weapons and a description of all weapons held by that individual.
21 The court may subsequently issue a search warrant authorizing a law enforcement officer
22 to seize any firearms, muzzle-loading firearms, bows, crossbows and other dangerous
23 weapons at any location if there is probable cause to believe such firearms, muzzle-loading
24 firearms, bows, crossbows or dangerous weapons have not been relinquished by the
25 defendant.

26 SUMMARY

27 This bill allows a court, in a protection from harassment order, to direct a defendant
28 not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous
29 weapon for the duration of the order.