

# MAINE STATE LEGISLATURE

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SAL  
ROS

L.D. 1170

Date: 6-9-21

(Filing No. H-533)

## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 130TH LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 848, L.D. 1170, "An Act Regarding Unauthorized Possession of a Firearm in a Correctional Facility"

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

**'An Act Regarding Unauthorized Possession of a Firearm in a Correctional Facility or Jail'**

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

**'Sec. 1. 17-A MRSA §1059 is enacted to read:**

#### **§1059. Unauthorized possession of a firearm in a correctional facility or jail**

**1. A person is guilty of unauthorized possession of a firearm in a correctional facility or jail if that person in fact possesses a firearm in a correctional facility or jail or on the premises of the correctional facility or jail.**

**2. This section does not apply to:**

**A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty;**

**B. An employee of a courier or security service in the course and scope of employment for the courier or security service, as approved by the chief administrative officer of the correctional facility or the jail administrator; or**

**C. A person who has stored a firearm out of sight in a locked motor vehicle that is on the premises of a correctional facility or jail.**

**3. It is not a defense to a prosecution under this section that the person holds a valid permit to carry a concealed handgun issued under Title 25, chapter 252.**

**4. Unauthorized possession of a firearm in a correctional facility or jail is a Class D crime.**

# COMMITTEE AMENDMENT

## SUMMARY

The bill makes the unauthorized possession of a firearm in a correctional facility a Class D crime. This amendment also makes the unauthorized possession of a firearm in a jail or on the premises of a correctional facility or jail a Class D crime. The amendment exempts from the law a person who has stored a firearm out of sight in a locked motor vehicle that is on the premises of the correctional facility or jail.

**FISCAL NOTE REQUIRED**  
(See attached)



# 130th MAINE LEGISLATURE

LD 1170

LR 502(02)

## An Act Regarding Unauthorized Possession of a Firearm in a Correctional Facility

Fiscal Note for Bill as Amended by Committee Amendment *ACH-533*  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

### Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.