

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1170

H.P. 848

House of Representatives, March 22, 2021

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

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative COSTAIN of Plymouth.
Cosponsored by Representatives: NEWMAN of Belgrade, PICKETT of Dixfield, RUDNICKI of Fairfield.

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

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

3 **§1059. Unauthorized possession of firearm in a correctional facility**

4 **1. A person is guilty of unauthorized possession of a firearm in a correctional facility**
5 **if that person in fact possesses a firearm in a correctional facility.**

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

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

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

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

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

16 **5. For the purposes of this section, "chief administrative officer" and "correctional**
17 **facility" have the same meanings as in Title 34-A, section 1001, subsections 1 and 6,**
18 **respectively.**

19 **SUMMARY**

20 This bill makes the unauthorized possession of a firearm in a correctional facility a
21 Class D crime.