

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2086

S.P. 879

In Senate, January 3, 2024

An Act to Amend the Law Governing the Disposition of Forfeited Firearms

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 CLOUTIER of Lewiston and
Senators: BEEBE-CENTER of Knox, ROTUNDO of Androscoggin, Representatives:
CRAVEN of Lewiston, DOUDERA of Camden, LEE of Auburn, MOONEN of Portland,
Speaker TALBOT ROSS of Portland, ZAGER of Portland.

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

2 **Sec. 1. 15 MRSA §3314, sub-§6**, as amended by PL 2019, c. 113, Pt. C, §50, is
3 further amended to read:

4 **6. Forfeiture of firearms.** As part of every disposition in every proceeding under this
5 code, every firearm that constitutes the basis for an adjudication for a juvenile crime that,
6 if committed by an adult, would constitute a violation of section 393; Title 17-A, section
7 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph
8 C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; Title 17-A, section 1105-D,
9 subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and
10 every firearm used by the juvenile or any accomplice during the course of conduct for
11 which the juvenile has been adjudicated to have committed a juvenile crime that would
12 have been forfeited pursuant to Title 17-A, section 1504 if the criminal conduct had been
13 committed by an adult must be forfeited to the State and the juvenile court shall so order
14 unless another person satisfies the court prior to the dispositional hearing and by a
15 preponderance of the evidence that the other person had a right to possess the firearm, to
16 ~~the exclusion of the juvenile~~, at the time of the conduct that constitutes the juvenile crime,
17 was the rightful owner from whom the firearm had been stolen and the other person was
18 not a principal or accomplice in the commission of the juvenile crime. Rules adopted by
19 the Attorney General that govern the disposition of firearms forfeited pursuant to Title
20 17-A, section 1504 govern forfeitures under this subsection.

21 **Sec. 2. 15 MRSA §5826, sub-§5, ¶A**, as enacted by PL 1995, c. 421, §1, is
22 amended to read:

23 A. ~~The~~ Except as provided in Title 17-A, section 1504, subsection 2, paragraph B, the
24 petitioner has a legal right, title or interest in the property and the right, title or interest
25 renders the order of forfeiture invalid in whole or in part because the right, title or
26 interest was vested in the petitioner rather than in any defendant or was superior to any
27 right, title or interest to the exclusion of any defendant at the time of the commission
28 of the acts that gave rise to the forfeiture of the property under this section; or

29 **Sec. 3. 17-A MRSA §1504, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is
30 amended to read:

31 **2. Prohibited forfeiture.** ~~Except as provided in subsection 3, a~~ A court may not order
32 the forfeiture of a firearm otherwise qualifying for forfeiture under subsection 1 if, prior to
33 the imposition of the person's sentence:

34 ~~A. For a crime other than murder or any other unlawful homicide crime, another person~~
35 ~~satisfies the court by a preponderance of the evidence that the other person, at the time~~
36 ~~of the commission of the crime, had a right to possess the firearm to the exclusion of~~
37 ~~the convicted person; or~~

38 B. ~~For the crime of murder or any other unlawful homicide crime, another~~ Another
39 person satisfies the court by a preponderance of the evidence that the other person, at
40 the time of the commission of the crime, was the rightful owner from whom the firearm
41 had been stolen and the other person was not a principal or accomplice in the
42 commission of the crime.

