

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

'An Act To Require Parental Permission for a Person under 18 Years of Age To Purchase a Firearm and To Require the Department of Public Safety and the Department of Health and Human Services To Conduct a Study Analyzing the Ownership Status of Firearms Used in Gun-related Suicides in Maine'

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

'**Sec. 1. 17-A MRSA §554-A**, as amended by PL 2003, c. 188, §1, is repealed.

Sec. 2. 17-A MRSA §554-B, as enacted by PL 2003, c. 188, §2, is amended to read:

§ 554-B. Unlawful transfer of firearm to minor

1. As used in this section, the following terms have the following meanings.

A. "~~Handgun~~"Firearm" means any weapon, whether loaded or unloaded, that is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a handgun, pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon that can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm. For purposes of this paragraph, "~~handgun~~" means a firearm that has a short stock and is designed to be held and fired by the use of a single hand, or any combination of parts from which a handgun can be assembled.

B. "Minor" means a person under 18 years of age.

C. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

2. A person is guilty of unlawfully transferring a ~~handgun~~firearm to a minor if that person knowingly transfers a ~~handgun~~firearm to a person who the transferor knows or has reasonable cause to believe is a minor.

3. This section does not apply to:

A. A temporary transfer of a ~~handgun~~firearm to a minor:

(1) With the prior written consent of the minor's parent or guardian and that parent or guardian is not prohibited by federal, state or local law from possessing a firearm; or

(2) In the course of employment, target practice, hunting or instruction in the safe and lawful use of a ~~handgun~~firearm.

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The minor may transport an unloaded handgunfirearm in a locked container directly from the place of transfer to a place at which an activity described in this subparagraph is to take place and directly from the place at which such an activity took place to the transferor;

- B. A minor who is a member of the United States Armed Forces or the National Guard who possesses or is armed with a handgunfirearm in the line of duty;
- C. A transfer by inheritance of title to, but not possession of, a handgunfirearm to a minor; or
- D. The transfer of a handgunfirearm to a minor when the minor takes the handgunfirearm in self-defense or in defense of another person against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

4. The State may not permanently confiscate a handgunfirearm that is transferred to a minor in circumstances in which the transferor is not in violation of this section and if the possession of the handgunfirearm by the minor subsequently becomes unlawful because of the conduct of the minor. When that handgunfirearm is no longer required by the State for the purposes of investigation or prosecution, the handgunfirearm must be returned to the lawful owner.

5. The following penalties apply.

- A. A person who violates this section commits a Class D crime, except as provided in paragraph B.
- B. A person who violates this section and, at the time of the offense, has a prior conviction for unlawfully transferring a handgunfirearm to a minor commits a Class C crime. Section 9-A governs the use of prior convictions when determining a sentence.

Sec. 3. Study of firearms ownership by the Department of Public Safety and the Department of Health and Human Services. The Department of Public Safety, in cooperation with the Department of Health and Human Services, shall conduct a study to determine the ownership status of firearms used in firearms-related suicides in the State. The Commissioner of Public Safety shall report the study's findings to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2008. Upon receiving the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 123rd Legislature.'

SUMMARY

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment combines the unlawful transfer of a firearm to a minor provision with the unlawful transfer of a handgun to a minor provision and redefines "firearm" to include handguns for purposes of the new section. The result requires written parental consent for a person who has not attained 18 years of age to purchase or receive a firearm or handgun. The same exceptions for a temporary transfer of a handgun to a minor that exist in current law apply to the transfer of a firearm, including a handgun, to a minor under the amendment.

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The amendment also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in Maine. The Commissioner of Public Safety shall report the study's findings to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2008. Upon receiving the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 123rd Legislature.

FISCAL NOTE REQUIRED

(See attached)