

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

## **An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent**

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

**Sec. 1. 17-A MRSA §554-A**, as amended by PL 2003, c. 188, §1, is further amended to read:

### **§ 554-A. Unlawful transfer of a firearm other than a handgun to a minor**

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

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

B. "~~Minor~~" means a person under 16 years of age.

C. "Sell" means to furnish, deliver or otherwise provide for consideration.

D. "Firearm" means a firearm other than a handgun as defined in section 554-B, subsection 1, paragraph A.

2. ~~Except as provided in section 554-B, a~~ person is guilty of unlawfully transferring a firearm to a ~~minor~~person under 16 years of age if that person, who is not the parent, foster parent or guardian of the ~~minor~~person under 16 years of age, knowingly transfers a firearm to a ~~minor~~person under 16 years of age. Violation of this subsection is a Class D crime.

**2-A.** A person is guilty of unlawfully selling a firearm to a person 16 years of age or older and under 18 years of age if that person, who is not the parent, foster parent or guardian of the person 16 years of age or older and under 18 years of age, knowingly sells a firearm to a person 16 years of age or older and under 18 years of age.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed one or more violations under this subsection commits a Class D crime.

3. It is an affirmative defense to a prosecution under subsection 2 that:

A. The actor reasonably believed the person receiving the firearm had attained 16 years of age. A reasonable belief ~~can not~~cannot be based solely upon the physical appearance of the person or upon the oral representation of that person as to that person's age; or

B. The transfer of the firearm to the ~~minor~~person under 16 years of age was approved by the parent, foster parent or guardian of the ~~minor~~person under 16 years of age.

**3-A.** It is an affirmative defense to a prosecution under subsection 2-A that:

A. The actor reasonably believed the person receiving the firearm had attained 18 years of age. A reasonable belief cannot be based solely upon the physical appearance of the person or upon the oral representation of that person as to that person's age; or

B. The sale of the firearm to the person 16 years of age or older and under 18 years of age was approved by the parent, foster parent or guardian of the person 16 years of age or older and under 18 years of age.

**4.** ~~Unlawful transfer of a firearm to a minor is a Class D crime.~~

Effective June 30, 2008