



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1438

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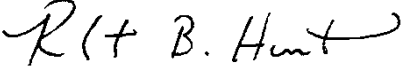
H.P. 982

House of Representatives, May 29, 2015

**An Act To Include Bows and Crossbows as Dangerous Weapons for  
Purposes of Protection from Abuse Orders**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative HEAD of Bethel. (GOVERNOR'S BILL)

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

2 **Sec. 1. 19-A MRSA §4006, sub-§2-A**, as enacted by PL 2003, c. 372, §2, is  
3 amended to read:

4 **2-A. Temporary orders; possession of dangerous weapons.** The court may direct  
5 the defendant not to possess a firearm, bow, crossbow or other dangerous weapon for the  
6 duration of the temporary order if the complaint demonstrates:

7 A. Abuse that involves a firearm, bow, crossbow or other dangerous weapon; or

8 B. A heightened risk of immediate abuse to the plaintiff or a minor child. In  
9 determining whether a heightened risk of immediate abuse is present, the court shall  
10 consider, but is not limited to consideration of, whether:

11 (1) The temporary order of protection is not likely to achieve its purpose in the  
12 absence of such a condition;

13 (2) The defendant has violated orders of protection;

14 (3) Past or present abuse to a victim resulted in injury;

15 (4) The abuse occurred in public; and

16 (5) The abuse includes:

17 (a) Threats of suicide or homicide;

18 (b) Killing or threatening to kill pets;

19 (c) An escalation of violence;

20 (d) Stalking behavior or extreme obsession;

21 (e) Sexual violence;

22 (f) Excessive alcohol or drug use; and

23 (g) Abuse against a pregnant victim.

24 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other  
25 dangerous weapon in a temporary order and if the defendant moves for dissolution or  
26 modification of an order pursuant to subsection 7, the court must hear and decide the  
27 motion as expeditiously as possible and must issue a written decision on the motion  
28 within 24 hours after a hearing on that motion.

29 If the court prohibits the defendant from possessing a dangerous weapon other than a  
30 firearm, bow or crossbow in a temporary order, the court shall specify the type of weapon  
31 the defendant is prohibited from possessing.

32 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other  
33 dangerous weapon in a temporary order, the court shall direct the defendant to relinquish,  
34 within 24 hours after service of the order on the defendant or such earlier time as the  
35 court specifies in the order, all firearms, bows, crossbows and specified dangerous  
36 weapons in the possession of the defendant to a law enforcement officer or other  
37 individual for the duration of the order. If the weapons are relinquished to an individual

1 other than a law enforcement officer, the defendant must file, within 24 hours after such  
2 relinquishment, with the court or local law enforcement agency designated in the order a  
3 written statement that contains the name and address of the individual holding the  
4 weapons and a description of all weapons held by that individual. The court may  
5 subsequently issue a search warrant authorizing a law enforcement officer to seize any  
6 firearms, bows, crossbows and other dangerous weapons at any location if there is  
7 probable cause to believe such firearms, bows, crossbows or dangerous weapons have not  
8 been relinquished by the defendant.

9 **Sec. 2. 19-A MRSA §4007, sub-§1, ¶A-1**, as enacted by PL 1997, c. 334, §5, is  
10 amended to read:

11 A-1. Directing the defendant not to possess a firearm, bow, crossbow or other  
12 dangerous weapon for the duration of the order;

13 **Sec. 3. 19-A MRSA §4007, sub-§1-A**, as enacted by PL 2003, c. 372, §3, is  
14 amended to read:

15 **1-A. No possession of firearm, bow or crossbow or dangerous weapons for**  
16 **duration of order.** If the court prohibits the defendant from possessing a dangerous  
17 weapon other than a firearm, bow or crossbow, the court shall specify the type of weapon  
18 the defendant is prohibited from possessing.

19 If the court prohibits the defendant from possessing a firearm, bow, crossbow or other  
20 dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after  
21 service of the order on the defendant or such earlier time as the court specifies in the  
22 order, all firearms, bows, crossbows and specified dangerous weapons in the possession  
23 of the defendant to a law enforcement officer or other individual for the duration of the  
24 order. If the weapons are relinquished to an individual other than a law enforcement  
25 officer, the defendant must file, within 24 hours after such relinquishment, with the court  
26 or local law enforcement agency designated in the order a written statement that contains  
27 the name and address of the individual holding the weapons and a description of all  
28 weapons held by that individual. The court may subsequently issue a search warrant  
29 authorizing a law enforcement officer to seize any firearms, bows, crossbows and other  
30 dangerous weapons at any location if there is probable cause to believe such firearms,  
31 bows, crossbows or dangerous weapons have not been relinquished by the defendant.

## 32 SUMMARY

33 Current law authorizes the court to prohibit a defendant who is subject to a protection  
34 from abuse order from possessing a firearm or other dangerous weapon during the  
35 duration of the order. This bill amends that law to specifically include bows and  
36 crossbows as weapons that the court may prohibit a defendant from possessing during the  
37 duration of a protection from abuse order.