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(Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 14, L.D. 22, “An Act to Impede the Transfer of Firearms to Prohibited Persons”

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

'Sec. 1. 15 MRSA §394 is enacted to read:

§394. Prohibited sale or transfer of firearms to certain persons

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

B. "Sell" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph C.

C. "Transfer" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph A.

2. Sale or transfer prohibited. A person may not knowingly or intentionally sell or transfer a firearm to another person when the person selling or transferring knows or has reason to believe that the person buying or receiving the firearm is prohibited from owning, possessing or having under that person's control a firearm pursuant to section 393 and does not have a permit issued under section 393.

3. Penalties. A person who violates subsection 2 commits a civil violation for which a fine of \$1,000 may be adjudged, except that a person who violates subsection 2 after having been adjudicated as having committed one or more violations under subsection 2 commits a Class D crime.

4. Affirmative defense. It is an affirmative defense to a prosecution under subsection 2 that the person sold or transferred the firearm to another person because the person was compelled to do so by the other person or by a different person under threat of imminent risk to the person's health or safety or otherwise.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the majority report of the committee, replaces the bill. The
5 amendment provides that a person that violates the prohibition in the bill on the sale or
6 transfer of a firearm to a prohibited person commits a civil violation for which a fine of
7 \$1,000 may be adjudged, except that a person who violates the prohibition after having
8 been adjudicated as having committed one or more previous violations of the prohibition
9 commits a Class D crime. It also provides that it is an affirmative defense to a prosecution
10 for a violation of the prohibition that the person sold or transferred the firearm to another
11 person because the person was compelled by the other person or by a different person to
12 do so under threat of imminent risk to the person's health or safety or otherwise. It also
13 provides technical clarifications to the language in the bill regarding the prohibition on the
14 sale or transfer of a firearm to a prohibited person.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**