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Date: (Filing No. S-)

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 719, L.D. 1884, Bill, “An Act To Create a Community Protection Order To Allow Courts To Prevent High-risk Individuals from Possessing Firearms”

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

'An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons'

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

'Sec. 1. 15 MRSA §393, sub-§1, ¶E, as amended by PL 2015, c. 470, §1, is further amended to read:

E. Has been:

- (1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;
- (2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or
- (3) Found not competent to stand trial with respect to a criminal charge; or
- (4) Ordered to participate in a progressive treatment program pursuant to Title 34-B, section 3873-A and, as part of that order, directed not to possess firearms pursuant to Title 34-B, section 3873-A, subsection 7-A.

Violation of this paragraph is a Class D crime;

Sec. 2. 15 MRSA §393, sub-§1-C is enacted to read:

1-C. Dissolution or modification of court order prohibiting firearms. If a court of this State enters an order dissolving, terminating or vacating an order or any portion of

COMMITTEE AMENDMENT

1 an order that constitutes grounds to prohibit a person from possessing a firearm pursuant
2 to subsection 1, 1-A or 1-B, the court shall promptly transmit that information to the
3 Department of Public Safety, Bureau of State Police, State Bureau of Identification. The
4 State Bureau of Identification shall promptly notify the Federal Bureau of Investigation
5 and request that the Federal Bureau of Investigation promptly update the National Instant
6 Criminal Background Check System so that it no longer reflects the dissolved, terminated
7 or vacated order as a ground for prohibiting the subject of the order from possessing a
8 firearm.

9 **Sec. 3. 34-B MRSA §3873-A, sub-§5, ¶A-1** is enacted to read:

10 A-1. Prior to the commencement of the hearing, the court shall inform the patient
11 that if an order is entered pursuant to subsection 7-A, that patient is a prohibited
12 person and may not own, possess or have under that person's control a firearm
13 pursuant to Title 15, section 393, subsection 1.

14 **Sec. 4. 34-B MRSA §3873-A, sub-§§7-A and 7-B** are enacted to read:

15 **7-A. Firearms.** If the court directs a patient to follow an individualized treatment
16 plan pursuant to subsection 6, the court may also prohibit the patient from possessing a
17 firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the
18 duration of the treatment plan. If the court prohibits the patient from possessing a
19 dangerous weapon other than a firearm, muzzle-loading firearm, bow or crossbow, the
20 court shall specify the type of weapon the patient is prohibited from possessing.

21 If the court prohibits the patient from possessing a firearm, muzzle-loading firearm, bow,
22 crossbow or other dangerous weapon, the court shall notify the patient that possession of
23 a firearm by the person is prohibited pursuant to Title 15, section 393. The court also
24 shall direct the patient to relinquish, within 24 hours after service of the order on the
25 patient or such earlier time as the court specifies in the order, all firearms, muzzle-loading
26 firearms, bows, crossbows and specified dangerous weapons in the possession of the
27 patient to a law enforcement officer or other individual for the duration of the order. If
28 the weapons are relinquished to an individual other than a law enforcement officer, the
29 patient must file, within 24 hours after such relinquishment, with the court or local law
30 enforcement agency designated in the order a written statement that contains the name
31 and address of the individual holding the weapons and a description of all weapons held
32 by that individual.

33 The duties and liability of a law enforcement agency with respect to firearms surrendered
34 pursuant to this subsection are governed by Title 25, section 2804-C, subsection 2-C.

35 **7-B. Transmission of abstract of court ruling to the State Bureau of**
36 **Identification.** Notwithstanding any other provision of this section or section 1207, a
37 court shall transmit to the Department of Public Safety, Bureau of State Police, State
38 Bureau of Identification an abstract of any order issued by the court pursuant to this
39 section that includes a prohibition on the possession of a firearm pursuant to subsection
40 7-A. The abstract must include:

41 A. The name, date of birth and gender of the person who is the subject of the order;

42 B. The court's order pursuant to subsection 7-A and the expiration date of that order;

43 and

