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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1354, L.D. 2130, “An Act to Prohibit Unauthorized Paramilitary Training”

Amend the amendment by inserting after the title the following:

'Amend the bill in section 1 in c. 252-B in §2021 in subsection 1 by striking out all of paragraph A (page 1, lines 8 to 11 in L.D.).

Amend the bill in section 1 in c. 252-B in §2021 in subsection 1 by inserting after paragraph D the following:

'E. "Organized violence" means any public disturbance involving an act of violence by a group of 5 or more persons that causes an immediate danger of injury to another person or results in injury to another person.'

Amend the bill in section 1 in c. 252-B in §2021 in subsection 1 by relettering the paragraphs to read alphabetically.'

Amend the amendment by striking out all of subsection 2 (page 1, lines 13 to 26 in amendment) and inserting the following:

'2. Unauthorized paramilitary training prohibited. A person is guilty of unauthorized paramilitary training if that person intentionally or knowingly:

A. Teaches or demonstrates to another person or trains another person in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or techniques intended to cause injury to or the death of, another person if the person teaching, training or demonstrating intends or knows that the teaching, training or demonstrating is intended to be used by the other person in or in furtherance of organized violence; or

B. Assembles with one or more other persons for the purpose of practicing or being trained or instructed in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or in techniques intended to cause injury to or the death of, another person if the person intends or knows that the practicing, training or instruction is intended to be used in or in furtherance of organized violence.'

Amend the amendment by striking out all of the 2nd instructional paragraph (page 1, lines 27 and 28 in amendment) and inserting the following:

SENATE AMENDMENT

1 'Amend the bill in section 1 in c. 252-B in §2021 by striking out all of subsection 3
2 (page 1, line 37 in L.D.) and inserting the following:

3 **3. Penalty; legal representation.** A person who violates subsection 2 commits a civil
4 violation and is entitled to representation by an attorney for any hearing held pursuant to
5 this section. If a person in violation of subsection 2 wants an attorney but is unable to
6 afford one, the person may request that the court appoint an attorney. If the court finds that
7 the person is indigent, the court shall appoint an attorney and pay that attorney's reasonable
8 costs and expenses for representing the person.'

9 Amend the bill in section 1 in c. 252-B in §2021 in subsection 4 in paragraph C in the
10 2nd line (page 2, line 8 in L.D.) by striking out the following: "civil disorder" and inserting
11 the following: 'organized violence'

12 Amend the bill by inserting after section 1 the following:

13 **'Sec. 2. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **JUDICIAL DEPARTMENT**

16 **Courts - Supreme, Superior and District 0063**

17 Initiative: Provides funding to pay reasonable costs and expenses of court-appointed
18 attorneys to represent indigent persons charged with engaging in unauthorized paramilitary
19 training and related administrative costs.

20 GENERAL FUND	2023-24	2024-25
21 All Other	\$0	\$5,000
22		
23 GENERAL FUND TOTAL	\$0	\$5,000

24 ''

25 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 **SUMMARY**

28 This amendment makes the following changes to the bill as amended by Committee
29 Amendment "A."

30 1. It changes the defined term "civil disorder" to "organized violence," increases from
31 2 to 5 persons the minimum size of the group engaging in organized violence before the
32 definition applies and removes damage to property as a factor in organized violence.

33 2. It specifies that, in order for the prohibitions in this legislation to apply, the
34 techniques being taught must be intended to cause injury or death of another person, instead
35 of being capable of causing injury or death.

36 3. It changes the violation from a Class D crime to a civil violation and provides that
37 a person charged with engaging in unauthorized paramilitary training is entitled to be
38 represented by an attorney. If the court determines that the person is indigent, the court is

1 required to appoint an attorney for the person and pay the reasonable costs of representing
2 the person. An appropriation for court-appointed attorneys is included.

3 **SPONSORED BY:** _____

4 **(Senator GROHOSKI, N.)**

5 **COUNTY: Hancock**