

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

## **An Act Regarding the Sale of Firearms to Minors**

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

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

### **§ 554-A. Unlawful transfer of a firearm 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.

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.

**2-A.** Except as provided in section 554-B, 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.

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 person under 16 years of age is a Class D crime.

4-A. Unlawful sale of a firearm to a person 16 years of age or older and under 18 years of age is a Class D crime.

**Sec. 2. Study of firearms ownership by the Department of Public Safety and the Department of Health and Human Services.** The Department of Public Safety, in cooperation with the Department of Health and Human Services, shall conduct a study to determine the ownership status of firearms used in firearms-related suicides in the State. The Commissioner of Public Safety shall report the study's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009. Upon receiving the report, the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature.

### SUMMARY

This bill prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. It provides an exception for a sale by a parent, foster parent or guardian or a sale approved by a parent, foster parent or guardian.

The bill also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in the State. The Commissioner of Public Safety shall report the study's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009. Upon receiving the report, the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature.