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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 336, L.D. 1068, “An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment”

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

Sec. 1. 5 MRSA §4655, sub-§1, ¶A-1 is enacted to read:

A-1. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for a specified period of time not to exceed the duration of the order.

If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, muzzle-loading firearm, bow or crossbow, the court shall specify the type of weapon the defendant is prohibited from possessing;

Sec. 2. 5 MRSA §4655, sub-§1-B is enacted to read:

1-B. No possession of firearm, muzzle-loading firearm, bow, crossbow or dangerous weapons for specified period. If the court prohibits the defendant from possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon pursuant to an order under subsection 1, paragraph A-1, the court shall direct the defendant to relinquish, within 24 hours after service of the order on the defendant or such earlier time as the court specifies in the order, all firearms, muzzle-loading firearms, bows, crossbows and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for a specified period of time not to exceed the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant shall file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms, muzzle-loading firearms, bows, crossbows and other dangerous weapons at any location if there is probable cause to believe such firearms, muzzle-loading firearms, bows, crossbows or dangerous weapons

COMMITTEE AMENDMENT

1 have not been relinquished by the defendant. If the court or the local law enforcement
2 officer determines that it is necessary, the Department of Public Safety shall, at the request
3 of the court or the local law enforcement officer, store relinquished or seized weapons for
4 the period of time specified in the order.

5 **Sec. 3. 25 MRSA §2804-C, sub-§2-C**, as amended by PL 2013, c. 147, §30, is
6 further amended to read:

7 **2-C. Receipt of firearms; training; procedure; liability.** The Maine Criminal
8 Justice Academy shall provide training for municipal, county and state law enforcement
9 officers regarding the proper handling, storage, safekeeping and return of firearms and
10 firearm accessories received pursuant to a court order under Title 5, section 4655,
11 subsection 1-B, Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007,
12 subsection 1, paragraph A-1. Such training must include education concerning the
13 prohibitions on the purchase or possession of a firearm when a ~~protection~~ court order has
14 been obtained and communication with parties to ~~protection~~ court orders concerning such
15 prohibitions.

16 In developing materials for training in domestic violence issues, the Maine Criminal Justice
17 Academy may consult with a statewide organization involved in advocacy for victims of
18 domestic violence and with an organization having statewide membership representing the
19 interests of firearms owners.

20 A law enforcement officer who receives custody of a firearm pursuant to Title 5, section
21 4655, subsection 1-B, Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007,
22 subsection 1, paragraph A-1 shall exercise reasonable care to avoid loss, damage or
23 reduction in value of the firearm and may not permanently mark the firearm or fire the
24 firearm unless there is reasonable suspicion that the firearm has been used in the
25 commission of a crime. Any liability for damage or reduction in value to such a firearm is
26 governed by Title 14, chapter 741.

27 **Sec. 4. Appropriations and allocations.** The following appropriations and
28 allocations are made.

29 **JUDICIAL DEPARTMENT**

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

31 Initiative: Provides one-time funding to update and implement technology changes.

32 GENERAL FUND	2021-22	2022-23
33 All Other	\$0	\$117,400
34		
35 GENERAL FUND TOTAL	\$0	\$117,400

36 '
37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
38 number to read consecutively.

39 **SUMMARY**

40 The bill allows a court in a protection from harassment order to direct a defendant not
41 to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon
42 for the duration of the order. This amendment provides that the court may specify in the

1 order a shorter time period during which the defendant may not possess a dangerous
2 weapon. This amendment also provides that the Department of Public Safety must, if
3 requested by the court or a local law enforcement officer, take responsibility for the storage
4 of the dangerous weapons.

5 The amendment also amends the law enforcement training core curriculum
6 requirements concerning receipt and storage of firearms to include firearms received under
7 a protection from harassment order. The amendment adds an appropriations and
8 allocations section.

9 **FISCAL NOTE REQUIRED**

10 **(See attached)**