



Administrative Office of the Courts

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Judicial Branch testimony neither for nor against LD 1009, An Act to Restore Full Civil Rights to Possess Firearms to Persons Previously Convicted of Certain Nonviolent Felony Crimes:

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some comments with respect to this bill.

The Judicial Branch does not take a position on the policy considerations raised by this bill but would like to make a few comments regarding the implementation of the procedures proposed in this bill.

LD 1009 outlines the procedure to apply for a restoration of the right to possess a firearm. If a person makes a request for restoration of this right to the Department of Public Safety (DPS), and upon review DPS determines the person is eligible to have the right to possess a firearm restored, then this bill requires that DPS notify the court with jurisdiction over the crime for which the person's firearm prohibition is based, and, as proposed, the court must issue an order restoring the person's rights.

We draw your attention to the following issues:

- How will DPS communicate to the Court regarding this request from an eligible person?
 - At present, the Court communicates firearm prohibitions and other sentencing details to DPS electronically by sending conviction data to the State Bureau of Identification, but there is currently no electronic mechanism or process to communicate in reverse, i.e., for DPS to communicate information to the court. To do so would require significant resources and time for technological programming. Otherwise, a manual process would need to be established.
- Regardless of the intended method of communication, this proposed bill requires that the court must restore the person's right to possess a firearm, with no opportunity for judicial review or hearing.

LD 1009 also provides that if a person who has had their right to possess a firearm restored through the above-referenced process, and then is subsequently convicted of a felony crime in Maine or another jurisdiction, and that person's right to possess a firearm is again revoked, that the person is ineligible for restoration in the future. Of concern to the Maine Judicial Branch is the provision that, in this circumstance, the court that issued the original restoration order must revoke that order, but there is no process outlined for how this information will be tracked or communicated. Specifically, our concerns are:

- How does the original court that restored the person's firearm rights and hunting privileges get notified of a subsequent felony conviction?
- Whose obligation is it to track this information?
- If a subsequent conviction occurs out of State, how will that information be relayed to the State of Maine generally, and to the original court of restoration directly, so that the restoration order can be revoked in compliance with this provision?

Thank you for your consideration.