

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 759

Date: April 19, 2021

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CLAC members do not favor passage of LD 759, which modifies the Criminal Code's Endangering the Welfare of a Child statute to criminalize conduct that allows a child to gain access to a loaded firearm.

The bill addresses situations where a loaded firearm is stored or left in a place where a child is "likely to gain access" to the firearm and certain negative consequences ensue. CLAC members believe that the proposed amendment is not necessary because such conduct is reckless under the Criminal Code and is already criminalized under the existing Endangering the Welfare of a Child statute or by the crime of Reckless Conduct. See 17-A M.R.S.A. § 211. CLAC members do not favor adding crimes that address specific conduct that is already criminalized under the existing, more general provisions of the Criminal Code.