An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Presented by Senator CARSON of Cumberland.
Cosponsored by Senators: BREEN of Cumberland, GRATWICK of Penobscot, LIBBY of Androscoggin, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland,
Representatives: BREENAN of Portland, FARNSWORTH of Portland, TUCKER of Brunswick.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2015 is enacted to read:

§2015. Waiting period after sale of firearm

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means when a buyer and a seller reach an agreement for the purchase and the sale of a firearm.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923 or that is required to be licensed as a dealer under that section.

2. Waiting period. A person may not knowingly deliver a firearm pursuant to a sale without withholding delivery of the firearm for at least 72 hours after agreement.

3. Penalty. This subsection applies to violations of subsection 2.

A. A person that violates subsection 2 commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged.

B. A person that violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than $500 and not more than $1,000 may be adjudged.

4. Application. This section does not apply to:

A. The sale of a firearm if the seller knows that the person to whom the seller is selling the firearm is:

   (1) A law enforcement officer; or

   (2) A person who desires to purchase a firearm for use in promoting the public interest incidentally to the person's employment as a bank guard or armed truck guard or as a similar type of employee; or

B. The sale of a firearm to a firearm dealer.

A firearm dealer is subject to the requirements of conducting national instant criminal background checks under 18 United States Code, Section 922(t).

SUMMARY

This bill requires a 72-hour waiting period between an agreement for the purchase and sale of a firearm and its delivery to the purchaser and makes violation of the waiting period a civil violation with a $200 to $500 fine for the first violation and a $500 to $1,000 fine for a subsequent violation.