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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 312, L.D. 386, Bill, “An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms”

Amend the bill by striking out all of section 1 (page 1, lines 2 to 11 in L.D.) and inserting in its place the following:

'Sec. 1. 15 MRSA §1023, sub-§4-A is enacted to read:

4-A. Firearms; bail condition upon arrest for certain crimes of domestic violence. When a person is charged with an offense under Title 17-A, section 15, subsection 1, paragraph A, subparagraph (5-A) or (5-B), the bail commissioner shall require, as a condition of bail, that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, any motion to amend a bail condition imposed pursuant to this subsection must be heard by the court as expeditiously as possible.'

Amend the bill in section 2 in paragraph A by striking out all of subparagraph (8) (page 2, lines 8 and 9 in L.D.) and inserting in its place the following:

(8) Refrain from possessing a firearm or other dangerous weapon;
(8-A) If a condition is imposed pursuant to section 1023, subsection 4-A, refrain from possessing a firearm or other specified dangerous weapons until further order of a court;'

Amend the bill by striking out all of sections 3 to 7.

SUMMARY

This amendment is the minority report and implements some of the recommendations, with changes, proposed by the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86. Specifically, the amendment requires bail commissioners to impose a bail condition in all domestic violence cases that the person on bail refrain from possessing firearms or other specified

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1 dangerous weapons. The amendment deletes from the bill changes to the Maine Revised
2 Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (8), leaving the
3 current law in place that allows bail commissioners to continue to impose conditions
4 banning the possession of all dangerous weapons. The amendment adds a new Title 15,
5 section 1026, subsection 3, paragraph A, subparagraph (8-A) that states that if a condition
6 is imposed under bail pursuant to Title 15, section 1023, subsection 4-A, the bail
7 commissioner may impose the condition of refraining from possessing a firearm or other
8 specified dangerous weapon until further order of the court.

9 The amendment also deletes from the bill provisions that mandate that a law
10 enforcement officer seize all firearms in certain warrantless arrest situations and in arrest
11 situations where the officer has probable cause to believe that there has been a criminal
12 violation of a protection order and provisions that require law enforcement agencies to
13 adopt and implement new minimum policy standards for seizure and storage of firearms.