



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 595

H.P. 411

House of Representatives, February 16, 2017

An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GUERIN of Glenburn.
Cosponsored by Representatives: BRADSTREET of Vassalboro, CEBRA of Naples,
JOHANSEN of Monticello, MAREAN of Hollis, REED of Carmel, SUTTON of Warren,
Senator: ROSEN of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA c. 252-B** is enacted to read:

3 **CHAPTER 252-B**

4 **PROHIBITION OF ORDERING CERTAIN ENFORCEMENT ACTIONS**

5 **§2021. Prohibition of ordering certain enforcement actions**

6 **1. Civil violation; first offense.** A law enforcement officer who orders a
7 subordinate officer or other officer under the supervision of the law enforcement officer,
8 pursuant to the authority of a federal law or regulation or an executive order of the
9 President of the United States, to seize or confiscate a firearm or firearm accessory or
10 ammunition in the possession of a resident of this State commits a civil violation for
11 which the fine is \$1,000.

12 **2. Class D crime; subsequent offenses.** A law enforcement officer who orders a
13 subordinate officer or other officer under the supervision of the law enforcement officer,
14 pursuant to the authority of a federal law or regulation or executive order of the President
15 of the United States, to seize or confiscate a firearm or firearm accessory or ammunition
16 in the possession of a resident of this State after having committed a civil violation in
17 violation of subsection 1 commits a Class D crime.

18 **3. Exceptions.** The provisions of subsections 1 and 2 do not apply to a law
19 enforcement officer who orders a subordinate officer or other officer under the
20 supervision of the law enforcement officer to seize or confiscate a firearm or firearm
21 accessory or ammunition in the possession of a resident of this State if the firearm or
22 firearm accessory or ammunition is being used in the commission of a Class A, Class B
23 or Class C crime or if the law enforcement officer is assisting a federal law enforcement
24 office or agency in conducting an investigative or enforcement action against suspected
25 trafficking in scheduled drugs under Title 17-A, chapter 45 or suspected organized
26 criminal activities.

27 **SUMMARY**

28 This bill prohibits a law enforcement officer from ordering a subordinate officer or
29 other officer under the supervision of the law enforcement officer, pursuant to the
30 authority of a federal law or regulation or executive order of the President of the United
31 States, to seize or confiscate a firearm or firearm accessory or ammunition in the
32 possession of a resident of this State. The bill designates a first violation of the law as a
33 civil violation, punishable by a fine of \$1,000, and a second violation as a Class D crime.
34 The provisions of the bill do not apply to a law enforcement officer who engages in the
35 prohibited conduct if the firearm or firearm accessory or ammunition is being used in the
36 commission of a Class A, Class B or Class C crime or if the law enforcement officer is
37 assisting a federal law enforcement office or agency in conducting an investigative or
38 enforcement action against suspected trafficking in scheduled drugs under the Maine
39 Revised Statutes, Title 17-A, chapter 45 or suspected organized criminal activities.