

131st MAINE LEGISLATURE

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Legislative Document

No. 2119

H.P. 1343

House of Representatives, January 3, 2024

An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative DOUDERA of Camden. Cosponsored by Senator CARNEY of Cumberland and

Representatives: CLOUTIER of Lewiston, CRAVEN of Lewiston, GEIGER of Rockland, HASENFUS of Readfield, OSHER of Orono, STOVER of Boothbay, ZAGER of Portland,

Senator: BEEBE-CENTER of Knox.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, suicide is a public health crisis and firearm-related suicides account for a 4 significant number of suicide deaths in the State annually; and 5 Whereas, this legislation proposes to allow people to place themselves on a list preventing them from purchasing or receiving firearms; and 6 Whereas, this legislation must take effect before the expiration of the 90-day period in order to potentially prevent a substantial number of suicides: and 8 9 Whereas, in the judgment of the Legislature, these facts create an emergency within 10 the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, 11 12 therefore. 13 Be it enacted by the People of the State of Maine as follows: 14 Sec. 1. 15 MRSA §394, sub-§2, as enacted by PL 2023, c. 305, §1, is amended to 15 read: 16 2. Sale or transfer prohibited. A person may not knowingly or intentionally sell or 17 transfer a firearm to a person who is prohibited from owning, possessing or having under 18 that person's control a firearm pursuant to section 393 and, who does not have a permit issued under section 393 or who has filed a voluntary waiver of firearm rights form that 19

Violation of this subsection is a Class D crime.

sale or transfer of an antique firearm.

Sec. 2. 25 MRSA §2003, sub-§1, ¶B, as amended by PL 2011, c. 298, §7, is further amended to read:

has not been revoked under Title 25, section 2015. This subsection does not apply to the

- B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not disqualified as a permit holder under that same section, does not have a voluntary waiver of firearm rights currently in effect pursuant to section 2015 and is not disqualified to possess a firearm based on federal law as a result of a criminal conviction:
- Sec. 3. 25 MRSA §2015 is enacted to read:

§2015. Firearm rights forms

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- 1. Voluntary waiver of firearm rights. A person may voluntarily waive that person's right to purchase or receive a firearm by filing a voluntary waiver of firearm rights form.
- 2. Filing of voluntary waiver of firearm rights form. A person may file a voluntary waiver of firearm rights form with the clerk of court in any county in the State.
 - A. The clerk of court shall verify the identity of the person filing the form by requiring that person to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification.

B. The person filing the form may provide an alternate person to be contacted if the person filing the form subsequently files a revocation of voluntary waiver of firearm rights form pursuant to subsection 3.

- C. By the end of the business day on which the clerk of court receives the form, the clerk of court shall transmit the form to the State Police. The State Police shall enter the information provided on the voluntary waiver of firearm rights form into the Federal Bureau of Investigation, National Instant Criminal Background Check System and any other federal or state computer-based systems used by law enforcement agencies or others to identify persons prohibited from purchasing or receiving a firearm within 24 hours after receipt of the form.
 - D. Copies and records of the voluntary waiver of firearm rights form may not be disclosed except to law enforcement agencies.
- **3. Revocation of waiver.** A person may revoke that person's voluntary waiver of firearm rights by filing a revocation of voluntary waiver of firearm rights form.
 - A. No sooner than 7 calendar days after filing a voluntary waiver of firearm rights form, the person may file a revocation of the voluntary waiver of firearm rights form with the clerk of court in the same county where the voluntary waiver of firearm rights form was filed.
 - B. The clerk of court shall verify the identity of the person filing the form by requiring that person to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification.
 - C. By the end of the business day on which the clerk of court receives the form, the clerk of court shall transmit the form to the State Police and to any contact person listed on the voluntary waiver of firearm rights form under subsection 2, paragraph B and destroy all records of the voluntary waiver of firearm rights form.
 - D. Within 7 days of receiving a revocation of a voluntary waiver of firearm rights form, the State Police shall remove the person's information from the Federal Bureau of Investigation, National Instant Criminal Background Check System and any other federal or state computer-based systems used by law enforcement agencies or others to identify persons prohibited from purchasing or receiving a firearm into which the person's information was entered, unless the person is otherwise ineligible to possess a firearm under Title 15, section 393, and destroy all records of the voluntary waiver.
- 4. False statements. A person who knowingly makes a false statement regarding that person's identity on a voluntary waiver of firearm rights form or revocation of voluntary waiver of firearm rights form is guilty of unsworn falsification, which is a Class D crime under Title 17-A, section 453.
- 5. Consideration by court in legal proceeding. Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights may be considered by a court in a legal proceeding.
- <u>6. Condition for receiving employment, benefits or services.</u> A voluntary waiver of <u>firearm rights may not be required of a person as a condition for receiving employment, benefits or services.</u>

- 7. Confidentiality of records and reports. All records obtained and all reports 1 2 produced as required by this section are confidential, except that, notwithstanding 3 subsection 3, paragraph D, the information contained in the records and reports may be 4 provided by the Department of Public Safety to a criminal justice agency for law enforcement purposes, to the Federal Bureau of Investigation, National Instant Criminal 5 Background Check System or to an issuing authority for the purpose of processing 6 concealed firearm permit applications pursuant to section 2003. 7 8 8. Waiver and revocation forms. A voluntary waiver of firearm rights form and a 9 revocation of voluntary waiver of firearm rights form must be developed by the State Court 10 Administrator. 11 A. The State Court Administrator, under the direction of the Chief Justice of the Supreme Judicial Court, shall develop a voluntary waiver of firearm rights form and a 12 13 revocation of voluntary waiver of firearm rights form by January 1, 2025 and shall 14 periodically update the forms thereafter. 15 B. The forms developed pursuant to paragraph A must include all the information necessary for identification and entry into the Federal Bureau of Investigation, National 16 Instant Criminal Background Check System and any other federal or state computer-17 based systems used by law enforcement agencies or others to identify persons 18 19 prohibited from purchasing or receiving a firearm. The forms must conspicuously bear 20 the warning that making a false statement on the form is a Class D crime under Title 21 17-A, section 453. The voluntary waiver of firearm rights form must include the 22 following language: 23
 - "Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least 7 calendar days have elapsed since the time of filing."
 - C. The forms must be made available on the publicly accessible website of the State Court Administrator and at all county commissioners' offices, firearms dealers and health care providers.
 - **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

32 SUMMARY

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This bill allows a person to waive that person's right to purchase or receive a firearm by filing a voluntary waiver of firearm rights form. The bill also allows a person to revoke a voluntary waiver of firearm rights.