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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 656, L.D. 1009, “An Act to Restore Full Civil Rights to Possess Firearms to Persons Previously Convicted of Certain Nonviolent Felony Crimes”

Amend the bill by striking out the title and substituting the following:

'An Act to Restore Full Civil Rights to Possess Firearms to Persons Previously Convicted of Certain Nonviolent Felonies'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 15 MRSA §396 is enacted to read:

§396. Restoration of civil rights relating to firearm possession

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

A. "Another jurisdiction" has the same meaning as in Title 17-A, section 2, subsection 3-B.

B. "Department" means the Department of Public Safety.

C. "Felony" means:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by a term of imprisonment exceeding one year;

(3) A crime under the laws of another jurisdiction that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year, not including a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less; or

COMMITTEE AMENDMENT

1 (4) A crime under the laws of another jurisdiction that, in accordance with the laws
2 of that jurisdiction, does not come within subparagraph (3) but is elementally
3 substantially similar to a crime in this State that is punishable by a term of
4 imprisonment of one year or more.

5 D. "Final discharge" means the completion by a person of all authorized sentences
6 imposed as a result of a criminal conviction, including, but not limited to, a sentence
7 of imprisonment, a period of administrative release, a period of supervised release, a
8 period of probation, community service and the full payment of any fine or restitution.

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

10 **2. Eligibility for restoration of civil rights.** Except as provided in subsection 5, a
11 person prohibited pursuant to section 393, subsection 1, paragraph A-1 or C or the federal
12 Gun Control Act of 1968, 18 United States Code, Section 922(g)(1) from owning,
13 possessing or having under the person's control a firearm as the result of a criminal
14 conviction or adjudication by a court in this State becomes eligible 10 years after the date
15 of final discharge from any sentence imposed as a result of the conviction or adjudication
16 to apply for a restoration of the person's civil rights in accordance with subsection 3. To
17 be eligible for a restoration of civil rights under subsection 3, a person must satisfy the
18 following conditions:

19 A. The person has not been convicted or adjudicated of a felony prior to or
20 concurrently with the underlying conviction or adjudication;

21 B. The person has not been convicted or adjudicated of any crime in this State or in
22 another jurisdiction for a period of 10 years since the date of final discharge from any
23 sentence imposed as a result of the underlying conviction or adjudication, is not
24 currently under indictment for a felony and is not subject to any adjudication for
25 committing a crime in this State or in another jurisdiction;

26 C. The underlying criminal conviction or adjudication is for a Class B or Class C
27 crime, except that if the underlying conviction or adjudication is for any of the
28 following, the person is not eligible to apply under subsection 3:

29 (1) Any Class B or Class C crime under Title 17-A, chapter 9, 11, 12 or 13;

30 (2) Robbery under Title 17-A, section 651;

31 (3) Assault on an officer under Title 17-A, section 752-A;

32 (4) Assault on an emergency medical services person under Title 17-A, section
33 752-C;

34 (5) Assault on a firefighter under Title 17-A, section 752-E;

35 (6) Arson under Title 17-A, section 802;

36 (7) Causing a catastrophe under Title 17-A, section 803-A;

37 (8) Aggravated sex trafficking under Title 17-A, section 852;

38 (9) Sex trafficking under Title 17-A, section 853;

39 (10) Commercial sexual exploitation of a minor or person with a mental disability
40 under Title 17-A, section 855;

41 (11) Criminal use of explosives under Title 17-A, section 1001;

- 1 (12) A violation of Title 17-A, chapter 45 except:
2 (a) Unlawful possession of scheduled drugs under Title 17-A, section 1107-A;
3 (b) Use of drug paraphernalia under Title 17-A, section 1111-A; and
4 (c) Cultivating marijuana under Title 17-A, section 1117;
5 (13) Any offense in Title 17-A that includes the possession or use of a firearm or
6 other deadly weapon as an essential or nonessential element of the offense or in
7 which the person was in possession of a firearm or other deadly weapon at the time
8 of the commission of the offense; or
9 (14) Any offense for which the person is under indictment for a felony or a finding
10 of probable cause exists against the person for a felony and one of the alleged facts
11 is that the person was armed with or used a firearm or other deadly weapon;
12 D. The person is a resident of this State and has been a resident of the State for at least
13 one year immediately preceding the filing of the petition under subsection 3;
14 E. The person has only one felony conviction and that conviction is for a crime not
15 listed in paragraph C. For purposes of this paragraph, multiple convictions arising out
16 of the same event and consolidated for sentencing count as one conviction only;
17 F. The person is not otherwise prohibited from possessing a firearm under section 393,
18 subsection 1; and
19 G. The person consents to a criminal background check. The person must consent to
20 having fingerprints taken for use in background investigations in accordance with this
21 paragraph. The State Police shall take or cause to be taken the person's fingerprints
22 and shall forward the fingerprints to the Department of Public Safety, Bureau of State
23 Police, State Bureau of Identification so that the State Bureau of Identification can
24 conduct state and national criminal history record checks for the bureau. The State
25 Police may charge the department for the expenses incurred in processing state and
26 national criminal history record checks. The full fee charged under this paragraph must
27 be deposited in a dedicated revenue account for the State Bureau of Identification with
28 the purpose of paying costs associated with the maintenance and replacement of the
29 criminal history record systems.
30 A person who was convicted in another jurisdiction may petition the District Court in the
31 district where the person resides to restore the person's firearms rights pursuant to this
32 section only if the person's civil rights, including the right to possess a firearm, have been
33 restored pursuant to the law of the jurisdiction where the conviction occurred.
34 **3. Application for restoration of civil rights.** The following provisions govern an
35 application for restoration of civil rights.
36 A. A person meeting the eligibility requirements of subsection 2 may petition the
37 District Court in the district where the person resides to restore the person's right to
38 own, possess or have under that person's control a firearm pursuant to this section. The
39 court may restore a petitioner's firearms rights after a hearing in court if the court
40 determines that the petitioner meets the criteria set out in this section and is not
41 otherwise disqualified to have that right restored.

1 B. The clerk of the court shall provide notice of the hearing to the district attorney in
 2 the district in which the petition is filed at least 4 weeks before the hearing on the
 3 matter. The petitioner bears the burden of establishing by a preponderance of the
 4 evidence that the petitioner is qualified to receive the restoration under subsection 2.

5 C. If the court denies the petition, the person may again petition the court for
 6 restoration of that person's firearms rights in accordance with this section one year from
 7 the date of the denial of the original petition.

8 D. If the court grants the petition to restore the petitioner's firearms rights, the clerk of
 9 the court shall forward within 10 days of the entry of the order a certified copy of the
 10 order to the sheriff of the county in which the petitioner resides, to the department and
 11 to the Federal Bureau of Investigation, National Instant Criminal Background Check
 12 System.

13 E. A restoration of firearms rights under this section does not result in the sealing of
 14 any criminal history record information and does not constitute a pardon.

15 F. A person who files a petition for restoration of firearms rights under this section
 16 shall pay the clerk of the court a fee of \$200 at the time the petition is filed.

17 **4. Effect of restoration.** Except as provided in subsection 5, if a court issues an order
 18 restoring the civil rights of a person pursuant to subsection 3, that person is no longer
 19 prohibited from owning, possessing or having under that person's control a firearm under
 20 section 393, subsection 1, paragraph A-1 or C. Restoration of civil rights under this section
 21 is within the meaning of civil rights restored under the federal Firearms Owners' Protection
 22 Act, 18 United States Code, Section 921(a)(20).

23 **5. Subsequent conviction.** If a person who has had the person's civil rights restored
 24 under this section is subsequently convicted of any felony in this State or in another
 25 jurisdiction, the person's right to own, possess and have under that person's control a
 26 firearm is automatically revoked and the person is ineligible from qualifying for a
 27 restoration of civil rights under this section.

28 **6. Penalty.** A person who knowingly submits false information under this section is
 29 guilty of unsworn falsification under Title 17-A, section 453. A person who is convicted
 30 of an offense under this subsection is permanently prohibited from petitioning to restore
 31 that person's firearms rights under this section.

32 **Sec. 4. Appropriations and allocations.** The following appropriations and
 33 allocations are made.

34 **JUDICIAL DEPARTMENT**

35 **Courts - Supreme, Superior and District 0063**

36 Initiative: Establishes one Judge position, one Deputy Marshal position and one Assistant
 37 Clerk position and provides funding for related All Other costs.

38 GENERAL FUND	2025-26	2026-27
39 POSITIONS - LEGISLATIVE COUNT	0.000	3.000
40 Personal Services	\$0	\$448,476
41 All Other	\$0	\$38,480
42		
43 GENERAL FUND TOTAL	\$0	\$486,956

1	Courts - Supreme, Superior and District 0063		
2	Initiative: Provides one-time funding for programming costs associated with the transfer of		
3	electronic information to the Department of Public Safety.		
4	GENERAL FUND	2025-26	2026-27
5	All Other	\$0	\$50,000
6			
7	GENERAL FUND TOTAL	\$0	\$50,000
8			
9	JUDICIAL DEPARTMENT		
10	DEPARTMENT TOTALS	2025-26	2026-27
11			
12	GENERAL FUND	\$0	\$536,956
13			
14	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$536,956
15	PUBLIC SAFETY, DEPARTMENT OF		
16	State Police 0291		
17	Initiative: Provides one-time funding for computer programming costs to accept and		
18	process applications for restoration of a person's civil rights.		
19	GENERAL FUND	2025-26	2026-27
20	All Other	\$0	\$130,000
21			
22	GENERAL FUND TOTAL	\$0	\$130,000
23			
24	HIGHWAY FUND	2025-26	2026-27
25	All Other	\$0	\$70,000
26			
27	HIGHWAY FUND TOTAL	\$0	\$70,000
28	State Police 0291		
29	Initiative: Provides funding for one State Bureau of Investigation Specialist and related All		
30	Other costs to administer a process for persons to apply for a restoration of civil rights.		
31	GENERAL FUND	2025-26	2026-27
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33	Personal Services	\$0	\$58,926
34	All Other	\$0	\$4,407
35			
36	GENERAL FUND TOTAL	\$0	\$63,333
37			
38	HIGHWAY FUND	2025-26	2026-27
39	Personal Services	\$0	\$31,729
40	All Other	\$0	\$2,373
41			
42	HIGHWAY FUND TOTAL	\$0	\$34,102

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PUBLIC SAFETY, DEPARTMENT OF		
DEPARTMENT TOTALS	2025-26	2026-27
GENERAL FUND	\$0	\$193,333
HIGHWAY FUND	\$0	\$104,102
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$297,435
SECTION TOTALS	2025-26	2026-27
GENERAL FUND	\$0	\$730,289
HIGHWAY FUND	\$0	\$104,102
SECTION TOTAL - ALL FUNDS	\$0	\$834,391

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the process in the bill for restoring a person's firearms rights in the following ways.

1. It removes from the list of ineligible convictions certain convictions in violation of the Maine Revised Statutes, Title 17-A, chapter 33 or 45.

2. It adds to the list of ineligible convictions a conviction for commercial sexual exploitation of a minor or person with a mental disability, arson, causing a catastrophe, criminal use of explosives, certain convictions for drug crimes or any offense including the possession of a firearm.

3. It adds additional requirements for a person to be eligible to apply for a restoration of that person's firearms rights.

4. It changes the process by which a person petitions for a restoration of that person's firearms rights and adds new procedures for notice to be sent and a hearing to be held.

5. It adds a provision stating that a person who knowingly submits false information is guilty of unsworn falsification.

6. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)