

Committee: Criminal Justice and Public Safety

MINORITY REPORT

LA: Curtis Bentley

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New Title: yes

Add Emergency: no

Date: March 5, 2014

Rep.'s Long's proposed Committee Amendment to LD 222, An Act to Designate the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun

Amend the bill by striking out the title and replacing it with the following:

‘An Act to Repeal the Concealed Handgun Permit Requirement’

Further amend the bill on page 1 by inserting after the enacting clause and before section 1 of the bill the following:

Sec. 1. 25 MRSA § 2001, is amended to read:

§2001-A. Threatening display of or carrying concealed weapon

1. Display or carrying prohibited. A person may not, unless excepted by a provision of law:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or

B. Wear under the person's clothes or conceal about the person's person a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.

2. Exceptions. The provisions of this section concerning the carrying of concealed weapons do not apply to:

A. A handgun carried by a person ~~to whom~~ who is not otherwise prohibited from possessing a firearm a valid permit to carry a concealed handgun has been issued as provided in this chapter;

B. Disabling chemicals as described in Title 17-A, section 1002;

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

~~D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer;~~

E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle;

~~F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by another state if a permit to carry a concealed handgun issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with any other states that meet the requirements of this paragraph. Reciprocity may be granted to a permit to carry a concealed handgun issued from another state if:~~

~~(1) The other state that issued the permit to carry a concealed handgun has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed handgun; and~~

~~(2) The other state that issued the permit to carry a concealed handgun observes the same rules of reciprocity regarding a person issued a permit to carry a concealed handgun under this chapter;~~

~~G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;~~

~~H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and~~

~~I. A handgun carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified retired law enforcement officer must have in the retired law enforcement officer's possession:~~

~~(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the~~

~~concealed handgun, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun; or~~

~~(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun.~~

3. Reciprocity. The Chief of the State Police may enter into reciprocity agreements with any other states to a permit a person holding a valid Maine concealed handgun permit to carry a concealed handgun in the other state.

Further amend the bill on page 1 by inserting after section 2 and before section 3 of the bill the following:

Sec. 2. 25 MRSA § 2003, sub-§1, ¶B-1, is enacted to read:

B-1. If a nonresident, that person must have a valid concealed handgun permit from that person's state of residency. This paragraph does not apply to a nonresident whose state of residency does not require a permit to carry a concealed handgun;

SUMMARY

This amendment is the minority report and allows a person who is not otherwise prohibited from possessing a handgun to carry a concealed handgun without a permit. It also allows a person to obtain a concealed handgun permit for purposes of reciprocity with another state. This amendment requires a nonresident must have a valid concealed handgun permit in that person's state of residence before that person is eligible for a Maine concealed handgun permit unless that person's state of jurisdiction does not require a permit to carry a concealed handgun.