

§394. Prohibited sale or transfer of firearms to certain persons

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

A. "Antique firearm" means any of the following:

- (1) A firearm manufactured in or before 1898, including a firearm with a matchlock, flintlock, percussion cap or similar type of ignition system;
- (2) A replica of a firearm described in subparagraph (1), if that replica:
 - (a) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - (b) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or
- (3) A muzzle-loading firearm, as defined in Title 12, section 10001, subsection 42.

"Antique firearm" does not include a firearm or a muzzle-loading firearm that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of the barrel, bolt or breechblock. [PL 2023, c. 305, §1 (NEW).]

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [PL 2023, c. 305, §1 (NEW).]

B-1. "Intentionally" has the same meaning as in Title 17-A, section 35, subsection 1. [PL 2023, c. 675, §2 (NEW).]

B-2. "Knowingly" has the same meaning as in Title 17-A, section 35, subsection 2. [PL 2023, c. 675, §3 (NEW).]

B-3. "Recklessly" has the same meaning as in Title 17-A, section 35, subsection 3. [PL 2023, c. 675, §4 (NEW).]

C. "Sell" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph C. [PL 2023, c. 305, §1 (NEW).]

D. "Transfer" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph A. [PL 2023, c. 305, §1 (NEW).]
[PL 2023, c. 675, §§2-4 (AMD).]

2. Sale or transfer prohibited. A person may not intentionally, knowingly or recklessly sell or transfer a firearm to a person who is prohibited from owning, possessing or having under that person's control a firearm pursuant to section 393 and who does not have a permit issued under section 393. This subsection does not apply to the sale or transfer of an antique firearm.

Violation of this subsection is a Class C crime.
[PL 2023, c. 675, §5 (AMD).]

SECTION HISTORY

PL 2023, c. 305, §1 (NEW). PL 2023, c. 675, §§2-5 (AMD).

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