**§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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