

HOUSE No. 2274

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to pepper spray.

PETITION OF:

NAME:

Tom Sannicandro

DISTRICT/ADDRESS:

7th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2375 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PEPPER SPRAY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. **Chapter 140, SECTION 129b of the General Laws, as appearing in the 2005 official edition, is**
2 **hereby amended in clause (9B) by striking the words** “The application fee for a firearm identification card issued
3 for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas
4 or powder designed to temporarily incapacitate shall be \$25, which shall be payable to the licensing authority and
5 shall not be prorated or refunded in the case of revocation or denial. The licensing authority shall retain 50 per cent
6 of the fee and the remaining portion shall be deposited in the General Fund. Notwithstanding any general or special
7 law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card
8 application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October
9 1 of each year. There shall be no application fee for the renewal of a firearm identification card issued under this
10 clause. A firearm identification card issued under this clause shall display, in clear and conspicuous language, that
11 the card shall be valid only for the purpose of purchasing or possessing chemical mace, pepper spray or other
12 similarly propelled liquid, gas or powder designed to temporarily incapacitate.” **And replacing thereof the**
13 **following** “Possession of chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
14 temporarily incapacitate shall not require a firearm identification card.”

15 **And by striking the following words in clause (6):** “A firearm identification card shall be valid for the purpose of
16 purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed
17 to temporarily incapacitate.”

18 **And by striking the following words in clause (7)** “If a firearm identification card is issued for the sole purpose of
19 purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
20 temporarily incapacitate, such card shall clearly state that such card is valid for such limited purpose only. The
21 application for such card shall be made in a standard form provided by the executive director of the criminal history
22 systems board which shall require the applicant to affirmatively state, under the pains and penalties of perjury, that
23 he is not disqualified on any of the grounds enumerated in clauses (i) to (ix), inclusive, from being issued such
24 card.”