

SENATE No. 01223

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 prohibiting the confiscation of lawfully owned firearms during a state of emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Demetrius J. Atsalis</i>	<i>2nd Barnstable</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Nicholas Boldyga</i>	<i>3rd Hampden</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>

<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Daniel Winslow</i>	<i>9th Norfolk</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>

SENATE No. 01223

By Mr. Moore, petition (accompanied by bill, Senate, No. 1223) of Winslow, Timilty, Tarr and other members of the General Court for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 964 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act prohibiting the confiscation of lawfully owned firearms during a state of emergency.

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 of the Massachusetts General Laws shall be amended by
2 adding the following section;

3 Section 129E. Prohibiting the confiscation of lawfully owned firearms.

4 No government official or any person acting on behalf of the Commonwealth of
5 Massachusetts shall order the confiscation of, or otherwise cause the confiscation of, any
6 lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

7 No law enforcement officer, person acting as a law enforcement officer, or other
8 public official shall confiscate or attempt to confiscate any lawfully carried or lawfully owned
9 firearm, rifle, shotgun, machinegun or ammunition.

10 Whoever violates the provisions of this section shall be subject to a civil fine of not
11 less than \$500 nor more than \$5,000 for each firearm unlawfully confiscated or by imprisonment
12 in a state prison for not more than two and one-half years.

13 Nothing in this section shall prohibit the confiscation of a firearm, rifle, shotgun, machinegun or
14 ammunition from any person who;

15 (a) Has been placed under arrest;

16 (b) Who is the subject of a protection order issued under Chapter 209A;

17 (c) Has had their Firearm Identification Card or License to Carry revoked or
18 suspended.