HOUSE DOCKET, NO. 425 FILED ON: 1/14/2011

HOUSE . . . . . No. 658

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:

An Act relative to pepper spray.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tom Sannicandro	*7th Middlesex*

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HOUSE . . . . . No. 658

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 658) of Tom Sannicandro relative to licenses for the possession of pepper spray. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2274* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

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

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