SENATE DOCKET, NO. 1311 FILED ON: 1/18/2013

SENATE . . . . . No. 1157

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*
Angelo L. D'Emilia	*8th Plymouth*
Michael O. Moore	*Second Worcester*
Stephen L. DiNatale	*3rd Worcester*
Christine E. Canavan	*10th Plymouth*
Randy Hunt	*5th Barnstable*
George N. Peterson, Jr.	*9th Worcester*
Todd M. Smola	*1st Hampden*
Kimberly N. Ferguson	*1st Worcester*
John J. Binienda	*17th Worcester*
Matthew A. Beaton	*11th Worcester*
Michael R. Knapik	*Second Hampden and Hampshire*
Bruce E. Tarr	*First Essex and Middlesex*

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By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 1157) of Richard T. Moore, Angelo L. D'Emilia, Michael O. Moore, Stephen L. DiNatale and other members of the General Court for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1223* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 140 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following section:-

Section 129E. No government official or any person acting on behalf of the commonwealth shall order the confiscation of, or otherwise cause the confiscation of, any lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

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

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

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

(a) Has been placed under arrest;

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

16 (c) Has had their firearm identification card or license to carry revoked or suspended.