

SENATE No. 2548

Senate, June 7, 2018 -- Text of amendment (26) (offered by Senator Brownsberger) to the House Bill relative to firearms

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 by striking sections 3 and 11 and by adding the following new section:-

2 “SECTION X. Section 131J of Chapter 140 is hereby deleted in its entirety and replaced
3 with the following:

4 (a) No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive
5 purposes a stun gun as defined in section 121 of this chapter, unless that person is at least twenty
6 one years of age and has been issued a firearms identification card pursuant to section 129B of
7 chapter 140 or a license to carry firearms pursuant to section 131 of chapter 140.

8 (b) Whoever violates subsection (a) shall be punished by a fine of not less than \$500 nor
9 more than \$1,000 or by imprisonment in the house of correction for not more than 2 1/2 years, or
10 by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any
11 person whom he has probable cause to believe has violated this section.

12 (c) Whoever, not being licensed as provided in section 122B of this chapter, sells a stun
13 gun shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of
14 correction for not more than 2 years.

15 (d) Whoever sells a stun gun to a person younger than 21 years of age shall have the
16 license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be
17 entitled to apply for such license for 10 years from the date of such revocation and shall be
18 punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state
19 prison for not more than 10 years or by imprisonment in a house of correction for not more than
20 2 1/2 years or by both such fine and imprisonment.

21 (f) The following shall be exempt from subsections (b) and (c):

22 (i) a federal, state, municipal, or university law enforcement officer, or member of a
23 special reaction team in a state prison or designated special operations or tactical team in a
24 county correctional facility, acting in the discharge of the officer or member's official duties who
25 has completed a training course approved by the secretary of public safety in the use of such a
26 stun gun;

27 (ii) Federally licensed firearms manufacturers or wholesale dealers, or persons employed
28 by them or by licensed dealers, or on their behalf, when possession of stun guns is necessary for
29 manufacture, display, storage, transport, installation, inspection or testing;

30 (iii) a licensed supplier of such stun guns, if possession of the stun gun is necessary to the
31 supply or sale of the stun gun within the scope of such sale or supply enterprise.

32 (iv) a person voluntarily surrendering a stun gun therefor to a licensing authority, the
33 colonel of the state police or his designee if prior written notice has been given by said person to
34 the licensing authority or the colonel of the state police, stating the place and approximate time
35 of said surrender;

36 (v) The regular and ordinary transport of stun guns as merchandise by any common
37 carrier;

38 (vi) Possession of stun guns therefor by nonresidents traveling in or through the
39 commonwealth, providing that any stun guns are enclosed in a locked case;

40 (vii) Any resident of the commonwealth returning after having been absent from the
41 commonwealth for not less than 180 consecutive days or any new resident moving into the
42 commonwealth, with respect to any stun gun therefor then in his possession, for 60 days after
43 such return or entry into the commonwealth;

44 (viii) The possession or utilization of any stun gun during the course of any television,
45 movie, stage or other similar theatrical production, or by a professional photographer or writer
46 for examination purposes in the pursuit of his profession, providing such possession or utilization
47 is under the immediate supervision of a holder of a firearm identification card or a license to
48 carry firearms;

49 (ix) The temporary holding, handling, or firing of a stun gun for examination, trial, or
50 instruction in the presence of a holder of a license to carry firearms, or the temporary holding,
51 handling, or firing of a stun gun for examination, trial, or instruction in the presence of a holder
52 of a firearm identification card, or where such holding, handling, or firing is for a lawful
53 purpose;

54 (x) The transfer of a stun gun upon the death of an owner to his heir or legatee shall be
55 subject to the provisions of this section, provided that said heir or legatee shall within 180 days
56 of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise

57 an exempt person who is qualified to receive such or apply to the licensing authority for such
58 further limited period as may be necessary for the disposition of such stun gun;

59 (g) Any person who, while not being within the limits of his own property or residence,
60 or such person whose property or residence is under lawful search, and who is not exempt under
61 this section, shall on demand of a police officer or other law enforcement officer, exhibit his
62 license to carry firearms, or his firearm identification card or receipt for fee paid for such card.
63 Upon failure to do so such person may be required to surrender to such officer said stun gun
64 which shall be taken into custody as under the provisions of section 129D, except that such stun
65 gun shall be returned forthwith upon presentation within 30 days of said license to carry
66 firearms, firearm identification card or receipt for fee paid for such card as hereinbefore
67 described. Any person subject to the conditions of this paragraph may, even though no stun gun
68 was surrendered, be required to produce within thirty days said license to carry firearms, firearm
69 identification card or receipt for fee paid for such card, failing which the conditions of section
70 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any
71 violation of this chapter.

72 (h) Any person who is required to surrender such person's firearms identification card,
73 license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law,
74 shall simultaneously surrender any stun gun in the same manner as such other weapons are
75 surrendered.

76 (i) The secretary of public safety shall adopt regulations governing storage of devices or
77 weapons under this section and law enforcement training on the appropriate use of devices or
78 weapons issued under this section.”;

79 And to further amend the bill by adding in line 43 the words “regardless of whether it
80 passes an electrical shock by means of a dart or projectile via a wire lead,” after the words “a
81 portable device or weapon,”

82 And by adding in line 44 after the term “incapacitate” the words “temporarily, injure or
83 kill”