

HOUSE No. 2040

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Cullinane

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 adoption of the accompanying bill:

An Act relative to imitation firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/17/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/29/2019</i>

HOUSE No. 2040

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 2040) of Daniel R. Cullinane and Daniel J. Hunt relative to imitation firearms. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to imitation firearms.

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. Section 121 of chapter 140 of the General Laws is hereby amended by
2 striking out the figure “131Q”, inserted by section 19 of chapter 284 of the acts of 2014, and
3 inserting in place thereof the following figure:— 131R.

4 SECTION 2. Said section 121 of said chapter 140 is hereby amended by striking out the
5 definition of “Imitation firearm”, as appearing in the 2012 Official Edition, and inserting in place
6 thereof the following definition:-

7 “Imitation firearm”, any device or object made of plastic, wood, metal or any other
8 material which substantially duplicates or can reasonably be perceived to be an actual firearm,
9 rifle, shotgun, air rifle, pellet gun, or “B-B” gun, unless such imitation firearm: (i) is colored
10 other than black, blue, silver or aluminum; (ii) is marked with a non-removable orange stripe
11 which is at least 1 inch in width and runs the entire length of the barrel on each side and the front
12 end of the barrel; and (iii) has a barrel at least 1 inch in diameter that is closed for a distance of

13 not less than one-half inch from the front-end of its barrel with the same material of which the
14 imitation firearm is made. "Imitation firearm" does not include any non-firing replica of an
15 antique firearm, the original of which was designed, manufactured and produced prior to 1898.

16 SECTION 3. Said chapter 140 is hereby amended by inserting after section 131Q,
17 inserted by section 70 of chapter 284 of the acts of 2014, the following section:-

18 Section 131R. (a) No person shall import, manufacture, sell, hold for sale or distribute
19 within the state any imitation firearm unless such device is imported, manufactured, sold, held
20 for sale and distributed: (i) solely for subsequent transportation in interstate commerce; or (ii)
21 solely for lawful use in a theatrical production, including a motion picture, television or stage
22 production.

23 (b) A violation of this section shall constitute an unfair or deceptive trade act or practice
24 under section 2 of chapter 93A.