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HOUSE . . . . . No. 1330

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the enhancement of public safety..

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. Section 162A of chapter 127 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting, in line 3, after the words “crime of arson,” the following words:- or of possession of an infernal machine, hoax device or substance pursuant to sections 102A or 102A½ of chapter 266.

SECTION 2. Section 20B of chapter 148, as so appearing, is hereby amended by adding the following paragraph: - The Marshal shall not issue a certificate of competency or suspend the certificate of any person who is the subject of a restraining order issued pursuant to chapter 209A while said order is in effect.

SECTION 3. Section 102A of Chapter 266 of the General Laws, as so appearing, is hereby amended by striking out the second and third sentences in their entirety and inserting in their place, the following new paragraph:-

For purposes of this section, “infernal machine” means either: (1) An explosive, incendiary, poison gas, high explosive, bomb, grenade, or similar device for endangering life, for

doing unusual damage to property, or both, by fire, explosion, or toxicity whether or not designed so as to appear harmless; or, (2) A part, or combination of parts, either designed or intended for use in converting a device described in clause (1) and from which an infernal machine can be readily assembled. Notice of the seizure of any such machine, instrument, contrivance, device or parts, shall be sent to the state fire marshal and the article seized, subject to his order.

SECTION 4. Subsection (b) of section 102A½ of chapter 266, as so appearing, is hereby amended by striking out, in lines 11 through 14, the second sentence and inserting in place thereof, the following two sentences:- For purposes of this section, "infernal machine" means either:

(1) An explosive, incendiary, poison gas, high explosive, bomb, grenade, or similar device for endangering life, for doing unusual damage to property, or both, by fire, explosion, or toxicity whether or not designed so as to appear harmless; or,

(2) A part, or combination of parts, either designed or intended for use in converting a device described in clause (1) and from which an infernal machine can be readily assembled.

Notice of the seizure of any such machine, instrument, contrivance, device or parts, shall be sent to the state fire marshal and the article seized, subject to his order.