

**HOUSE . . . . . No. 1703**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to Illegal 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.     Possession of Firearms in a Place of Residence or at a Place of Business

2     without

3                         a License in the City of Boston.

4           Notwithstanding any general or special law to the contrary, whoever, except as provided

5     or exempted by statute, knowingly has in his possession or knowingly has under his control in

6     his place of residence or place of business a firearm, loaded or unloaded, as defined in section

7     one hundred twenty-one of chapter one hundred forty of the General Laws of Massachusetts

8     without (i) having in effect a license to carry firearms issued under section one hundred thirty-

9     one of chapter one hundred forty of the General Laws of Massachusetts or (ii) having in effect a

10    license to carry firearms issued under section one hundred thirty-one F of chapter one hundred

11    forty of the General Laws of Massachusetts or (iii) having complied with the provisions of

12    sections one hundred twenty-nine C and one hundred thirty-one G of chapter one hundred forty

13    of the General Laws of Massachusetts, shall be punished by imprisonment in the state prison for

14    not less than two and one-half years nor more than five years, or for not less than eighteen

15 months nor more than two and one-half years in a jail or house of correction. The sentence  
16 imposed on such person shall not be reduced to less than eighteen months, nor suspended, nor  
17 shall any person convicted under this act be eligible for probation, parole, work release, or  
18 furlough or receive any deduction from his sentence for good conduct until he shall have served  
19 eighteen months of such sentence; provided, however, that the commissioner of correction may  
20 on the recommendation of the warden, superintendent, or other person in charge of a correctional  
21 institution, grant to an offender committed under this subsection a temporary release in the  
22 custody of an officer of such institution for the following purposes only: to attend the funeral of a  
23 relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric service  
24 unavailable at said institution. Prosecutions commenced under this subsection shall neither be  
25 continued without a finding nor placed on file.

26 No person having in effect a license to carry firearms for any purpose, issued under  
27 section one hundred thirty-one or section one hundred thirty-one F of chapter one hundred forty  
28 of the General Laws of Massachusetts shall be deemed to be in violation of this section.

29 Whoever, after having been convicted of any of the offenses set forth in this act and/or  
30 section 10(a), section 10(b), or section 10(c) of chapter two hundred sixty-nine of the General  
31 Laws of Massachusetts commits a like offense or any other of the said offenses, shall be  
32 punished by imprisonment in the state prison for not less than five years nor more than seven  
33 years; for a third such offense, by imprisonment in the state prison for not less than seven years  
34 nor more than ten years; and for a fourth such offense, by imprisonment in the state prison for  
35 not less than ten years nor more than fifteen years. The sentence imposed upon a person, who  
36 after a conviction of an offense under said sections 10(a), 10(b), and 10(c) commits the same or a

37 like offense, shall not be suspended, nor shall any person so sentenced be eligible for probation  
38 or receive any deduction from his sentence for good conduct.

39           Upon conviction of a violation of this act and/or section 10 of chapter two hundred sixty-  
40 nine of the General Laws of Massachusetts, the firearm or other article shall, unless otherwise  
41 ordered by the court, be confiscated by the commonwealth of Massachusetts. The firearm or  
42 article so confiscated shall, by the authority of the written order of the court be forwarded by  
43 common carrier to the colonel of the state police, who, upon receipt of the same, shall notify said  
44 court or justice thereof. Said colonel may sell or destroy the same, except that any firearm which  
45 may not be lawfully sold in the commonwealth of Massachusetts shall be destroyed, and in the  
46 case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to  
47 the commonwealth of Massachusetts.

48           The court shall, if the firearm or other article was lost by or stolen from the person  
49 lawfully in possession of it, order its return to such person.

50           Section 2.     Severability.

51           If any provision of this act or the application of such provision to any person or  
52 circumstance shall be held invalid, the validity of the remainder of this act and the applicability  
53 of such provision to other persons or circumstances shall not be affected thereby.

54           Section 3.     Implementation.

55           The provisions of these sections shall be effective immediately upon