

**SENATE . . . . . No. 964**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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:*

1 SECTION 1. Chapter 140 of the Massachusetts General Laws shall be amended by  
2 adding the following section;

3 Section 129E. Prohibiting the confiscation of lawfully owned firearms.

4 No government official or any person acting on behalf of the Commonwealth of  
5 Massachusetts shall order the confiscation of, or otherwise cause the confiscation of, any  
6 lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

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

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

- 13            Nothing in this section shall prohibit the confiscation of a firearm, rifle, shotgun,  
14 machinegun or ammunition from any person who;
- 15            (a) Has been placed under arrest;
- 16            (b) Who is the subject of a protection order issued under Chapter 209A;
- 17            (c) Has had their Firearm Identification Card or License to Carry revoked or suspended.