

**SENATE . . . . . No. 989**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to prohibit certain persons from engaging in activities relating to explosive materials ..

*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 148 of the General laws, as appearing in the 2006 Official Edition,  
2 is hereby amended by adding the following new section after section 12:-

3 Section 12A.

4 For the purposes of this section, the following words shall, unless the context otherwise  
5 requires, have the following meanings:

6 "Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final  
7 sentence is imposed.

8 "Explosive material", as defined by the Board of Fire Prevention Regulations established  
9 under section 4 of chapter twenty-two-D.

10 "Felony", any crime that is punishable by death or imprisonment in a state prison of the  
11 Commonwealth or, if the crime occurred outside the commonwealth, a crime punishable by a  
12 term of imprisonment of two and one-half years or greater.

13 "Violent crime", shall mean any crime punishable by imprisonment for a term exceeding  
14 one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon  
15 that would be punishable by imprisonment for such term if committed by an adult, that: (i) has as  
16 an element the use, attempted use or threatened use of physical force or a deadly weapon against  
17 the person of another; (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of  
18 explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to  
19 another.

20 The Marshal shall not issue, or if the marshal has already issued, shall revoke, any  
21 license, permit or certification to any person to sell, possess, buy, use or transport any explosive  
22 material in the Commonwealth, if said person:

23 (1) has provided inaccurate or false information to the marshal relative to said  
24 license, permit or certificate, or

25 (2) has been convicted of a felony, or

26 (3) has a pending indictment or charge relating to a felony or a violent crime, or

27 (4) has been convicted of a violent crime within 10 years of the date of application, or

28 (5) is suffering from a physical or mental illness or condition that, in the judgment of  
29 the Marshal, would make the use and possession of explosive materials potentially hazardous to  
30 the applicant or to the public.

31 (6) is disqualified from possessing or using explosive material under federal law.

32 (7) is subject to a Chapter 209A restraining order, while such order is in effect.

33           The marshal may issue such license, permit or certification to an applicant who has been  
34 convicted of a felony if:

35           (1)     the conviction occurred more than 10 years from the date of application; and

36           (2)     the person has not been convicted of any felony or violent crime in any state  
37 since said previous conviction; and

38           (3)     the person is not otherwise disqualified from possessing or using explosive  
39 material under federal law; and

40           (4)     the person has exhibited conduct, which tends to indicate, in the discretion of the  
41 marshal, that the issuance said license, permit or certificate would not pose a threat to public  
42 safety.