

**HOUSE . . . . . No. 1562**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***David Paul Linsky***

*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 to restrict the issuance of licenses to carry firearms..**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/20/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/1/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>

**HOUSE . . . . . No. 1562**

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 1562) of David Paul Linsky, Cory Atkins and Denise Provost for legislation to further regulate the issuance of licenses to carry firearms. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2248 OF 2009-2010.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to restrict the issuance of licenses to carry 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 definition of “Conviction” and inserting in place thereof the following  
3 definition:—

4 “Conviction”, a finding or verdict of guilt or a plea of guilty, whether or not final  
5 sentence is imposed, or a continuation without a finding after a finding of sufficient facts to  
6 warrant a finding of guilty.

7 SECTION 2. Section 131 of said chapter 140, as so appearing, is hereby amended by  
8 striking out subsection (d) and inserting in place thereof the following subsection:—

9 (d) Any person residing or having a place of business within the jurisdiction of the  
10 licensing authority or any person residing in an area of exclusive federal jurisdiction located  
11 within a city or town may submit to such licensing authority or the colonel of state police, an  
12 application for a Class A or Class B license to carry firearms, or renewal of the same, which such  
13 licensing authority or said colonel may issue if it appears that the applicant is a suitable person to  
14 be issued such license, and that the applicant has a good, specific and compelling reason to fear  
15 injury to his person or property, or may issue a license limited to the carrying of firearms for use  
16 in sport or target practice only, subject to such restrictions expressed or authorized under this  
17 section, unless the applicant:

18 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful  
19 offender or delinquent child for the commission of (a) a felony; (b) a misdemeanor punishable by  
20 imprisonment for more than one year; (c) a violent crime as defined in section 121; (d) a  
21 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
22 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
23 may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled  
24 substances as defined in section 1 of chapter 94C;

25 (ii) has been confined to any hospital or institution for mental illness, unless the  
26 applicant submits with his application an affidavit of a registered physician attesting that such  
27 physician is familiar with the applicant's mental illness and that in such physician's opinion the  
28 applicant is not disabled by such an illness in a manner that should prevent such applicant from  
29 possessing a firearm;

30 (iii) is or has been under treatment for or confinement for substance or alcohol abuse  
31 unless such applicant is deemed to be cured of such condition by a licensed physician, and such  
32 applicant may make application for such license after the expiration of five years from the date  
33 of such confinement or treatment and upon presentment of an affidavit issued by such physician  
34 stating that such physician knows the applicant's history of treatment and that in such physician's  
35 opinion the applicant is deemed cured;

36 (iv) is at the time of the application less than 21 years of age;

37 (v) is an alien;

38 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to  
39 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a  
40 permanent or temporary protection order issued pursuant to chapter 208 or chapter 209A or a  
41 similar order issued by another jurisdiction; or

42 (vii) is currently the subject of an outstanding arrest warrant in any state or federal  
43 jurisdiction.

44 (viii) has not successfully completed a firearms safety course of at least twenty hours,  
45 including a minimum of four hours of practical shooting instruction at a firing range that has  
46 been approved by the secretary of public safety or his designee.