

SENATE No. 1223

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 prohibiting the confiscation of lawfully owned firearms during a state of emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Michael O. Moore</i>	
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Demetrius J. Atsalis</i>	<i>2nd Barnstable</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Michael R. Knapik</i>	
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>

<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Bruce E. Tarr</i>	
<i>James E. Timilty</i>	
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>

SENATE No. 1223

By Mr. Moore, petition (accompanied by bill, Senate, No. 1223) of Winslow, Timilty, Tarr and other members of the General Court for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 964 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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
2 amended by 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
5 of 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
8 other public official shall confiscate or attempt to confiscate any lawfully carried or lawfully
9 owned firearm, rifle, shotgun, machinegun or ammunition.

10 Whoever violates the provisions of this section shall be subject to a civil fine
11 of not less than \$500 nor more than \$5,000 for each firearm unlawfully confiscated or by
12 imprisonment 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
18 suspended.