HOUSE DOCKET, NO. 2703 FILED ON: 1/18/2013

HOUSE . . . . . No. 3271

The Commonwealth of Massachusetts

PRESENTED BY:

George N. Peterson, Jr.

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 relative to non-resident Second Amendment civil rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
George N. Peterson, Jr.	*9th Worcester*
F. Jay Barrows	*1st Bristol*
Matthew A. Beaton	*11th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Thomas J. Calter	*12th Plymouth*
Christine E. Canavan	*10th Plymouth*
Paul K. Frost	*7th Worcester*
Susan Williams Gifford	*2nd Plymouth*
Anne M. Gobi	*5th Worcester*
Kevin J. Kuros	*8th Worcester*
James R. Miceli	*19th Middlesex*
Keiko M. Orrall	*12th Bristol*
Elizabeth A. Poirier	*14th Bristol*
Todd M. Smola	*1st Hampden*
Donald H. Wong	*9th Essex*
Bradford Hill	*4th Essex*
Michael J. Rodrigues	*First Bristol and Plymouth*

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By Mr. Peterson of Grafton, a petition (accompanied by bill, House, No. 3271) of George N. Peterson, Jr. and others for legislation to authorize the Colonel of the State Police, or persons authorized by him, to issue temporary licenses to carry firearms to certain nonresidents. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to non-resident Second Amendment civil rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 131F of Chapter 140 of the Massachusetts General Laws, as appearing in the 2010 Official Edition, shall be amended by deleting the section in its entirety and replacing it with the following

Section 131F Nonresidents or aliens; license to carry firearms or ammunition

Section 131F. A Class A or Class B temporary license to carry firearms or feeding devices or ammunition therefor, within the commonwealth, shall be issued by the colonel of state police, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing authority or to a legal alien that resides inside or outside the commonwealth for all lawful purposes unless the applicant "is a prohibited person as defined in the following subparagraphs (i) through (v). When determining the status of a prohibited person in regards to convictions, the determination shall only be made using the penalties and sentences in place at the time of conviction."

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (a) a felony for which a committed term of imprisonment has been served after sentencing has been carried out; (b) a misdemeanor punishable by imprisonment for more than two years for which a committed term of imprisonment has been served after sentencing has been carried out; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for

which a term of imprisonment may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C for which a term of imprisonment may be imposed;

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

(iii) is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, and such applicant may make application for said license after the expiration of five years from the date of such confinement or treatment and upon presentment of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;

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

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

Such license shall be valid for a period of six years.

The colonel may also issue such license, subject to such terms and conditions as he deems proper, to any resident of the commonwealth for the purposes of sports competition.

A license issued under this section shall be marked "License to Carry Firearms", shall clearly indicate whether it is Class A or Class B and shall not be used to purchase firearms in the commonwealth as provided under section 131E. Neither a large capacity firearm nor large capacity feeding device therefor may be carried unless such person has been issued a Class A license; provided, however, that the colonel may permit a Class A or Class B licensee to possess large capacity rifles or shotguns or both, and such entitlement shall be clearly indicated on such license. The fee for an application for the license shall be $100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain $25 of the fee; $50 of the fee shall be deposited into the general fund of the commonwealth; and $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section to a non-resident who is in the employ of a bank, public utility corporation, or a firm engaged in the business of transferring monies, or business of similar nature, or a firm licensed as a private

56 detective under the provisions of chapter one hundred and forty-seven, and whose application is
57 endorsed by his employer, or who is a member of the armed services and is stationed within the
58 territorial boundaries of the commonwealth and has the written consent of his commanding
59 officer, may be issued for any term not to exceed two years, and said licenses shall expire in
60 accordance with the provisions of section one hundred and thirty-one.

61 A license, otherwise in accordance with provisions of this section, shall be issued to a
62 nonresident employee, whose application is endorsed by his employer, of a federally licensed
63 Massachusetts manufacturer of machine guns to possess within the commonwealth a machine
64 gun for the purpose of transporting or testing relative to the manufacture of machine guns, and
65 the license shall be marked "license to possess a machine gun" and shall be issued for a period of
66 six years and shall expire in accordance with the provisions of section one hundred and thirty-
67 one.