

SENATE No. 1259

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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:

Ryan C. Fattman

Worcester and Norfolk

Shaunna L. O'Connell

3rd Bristol

SENATE No. 1259

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1259) of Ryan C. Fattman and Shaunna L. O'Connell for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1223 OF 2011-2012.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 Chapter 140 of the General Laws, as appearing in the 2014 Official Edition, shall be
2 amended by adding the following section:-

3 Section 129E. No government official or any person acting on behalf of the
4 Commonwealth of Massachusetts shall order the confiscation of, or otherwise cause the
5 confiscation of, any lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or
6 ammunition.

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

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