

**SENATE . . . . . No. 1309**

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**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:	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/25/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2017</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/1/2017</i>

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1309) of Ryan C. Fattman, Joseph D. McKenna, Richard J. Ross and Kevin J. Kuros for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1259 OF 2015-2016.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
—————

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. Nothing in this section shall prohibit the  
13 confiscation of a firearm, rifle, shotgun, machinegun or ammunition from any person who: (a)  
14 has been placed under arrest; (b) is the subject of a protection order issued under Chapter 209A;  
15 or (c) has had their firearm identification card or license to carry revoked or suspended.