

# SENATE . . . . . No. 2548

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Senate, June 7, 2018 -- Text of amendment (26) (offered by Senator Brownsberger) to the House Bill relative to firearms

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## The Commonwealth of Massachusetts

—————  
In the One Hundred and Ninetieth General Court  
(2017-2018)  
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1 by striking sections 3 and 11 and by adding the following new section:-

2 “SECTION X. Section 131J of Chapter 140 is hereby deleted in its entirety and replaced  
3 with the following:

4 (a) No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive  
5 purposes a stun gun as defined in section 121 of this chapter, unless that person is at least twenty  
6 one years of age and has been issued a firearms identification card pursuant to section 129B of  
7 chapter 140 or a license to carry firearms pursuant to section 131 of chapter 140.

8 (b) Whoever violates subsection (a) shall be punished by a fine of not less than \$500 nor  
9 more than \$1,000 or by imprisonment in the house of correction for not more than 2 1/2 years, or  
10 by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any  
11 person whom he has probable cause to believe has violated this section.

12 (c) Whoever, not being licensed as provided in section 122B of this chapter, sells a stun  
13 gun shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of  
14 correction for not more than 2 years.

15 (d) Whoever sells a stun gun to a person younger than 21 years of age shall have the  
16 license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be  
17 entitled to apply for such license for 10 years from the date of such revocation and shall be  
18 punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state  
19 prison for not more than 10 years or by imprisonment in a house of correction for not more than  
20 2 1/2 years or by both such fine and imprisonment.

21 (f) The following shall be exempt from subsections (b) and (c):

22 (i) a federal, state, municipal, or university law enforcement officer, or member of a  
23 special reaction team in a state prison or designated special operations or tactical team in a  
24 county correctional facility, acting in the discharge of the officer or member's official duties who  
25 has completed a training course approved by the secretary of public safety in the use of such a  
26 stun gun;

27 (ii) Federally licensed firearms manufacturers or wholesale dealers, or persons employed  
28 by them or by licensed dealers, or on their behalf, when possession of stun guns is necessary for  
29 manufacture, display, storage, transport, installation, inspection or testing;

30 (iii) a licensed supplier of such stun guns, if possession of the stun gun is necessary to the  
31 supply or sale of the stun gun within the scope of such sale or supply enterprise.

32 (iv) a person voluntarily surrendering a stun gun therefor to a licensing authority, the  
33 colonel of the state police or his designee if prior written notice has been given by said person to  
34 the licensing authority or the colonel of the state police, stating the place and approximate time  
35 of said surrender;

36 (v) The regular and ordinary transport of stun guns as merchandise by any common  
37 carrier;

38 (vi) Possession of stun guns therefor by nonresidents traveling in or through the  
39 commonwealth, providing that any stun guns are enclosed in a locked case;

40 (vii) Any resident of the commonwealth returning after having been absent from the  
41 commonwealth for not less than 180 consecutive days or any new resident moving into the  
42 commonwealth, with respect to any stun gun therefor then in his possession, for 60 days after  
43 such return or entry into the commonwealth;

44 (viii) The possession or utilization of any stun gun during the course of any television,  
45 movie, stage or other similar theatrical production, or by a professional photographer or writer  
46 for examination purposes in the pursuit of his profession, providing such possession or utilization  
47 is under the immediate supervision of a holder of a firearm identification card or a license to  
48 carry firearms;

49 (ix) The temporary holding, handling, or firing of a stun gun for examination, trial, or  
50 instruction in the presence of a holder of a license to carry firearms, or the temporary holding,  
51 handling, or firing of a stun gun for examination, trial, or instruction in the presence of a holder  
52 of a firearm identification card, or where such holding, handling, or firing is for a lawful  
53 purpose;

54 (x) The transfer of a stun gun upon the death of an owner to his heir or legatee shall be  
55 subject to the provisions of this section, provided that said heir or legatee shall within 180 days  
56 of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise

57 an exempt person who is qualified to receive such or apply to the licensing authority for such  
58 further limited period as may be necessary for the disposition of such stun gun;

59 (g) Any person who, while not being within the limits of his own property or residence,  
60 or such person whose property or residence is under lawful search, and who is not exempt under  
61 this section, shall on demand of a police officer or other law enforcement officer, exhibit his  
62 license to carry firearms, or his firearm identification card or receipt for fee paid for such card.  
63 Upon failure to do so such person may be required to surrender to such officer said stun gun  
64 which shall be taken into custody as under the provisions of section 129D, except that such stun  
65 gun shall be returned forthwith upon presentation within 30 days of said license to carry  
66 firearms, firearm identification card or receipt for fee paid for such card as hereinbefore  
67 described. Any person subject to the conditions of this paragraph may, even though no stun gun  
68 was surrendered, be required to produce within thirty days said license to carry firearms, firearm  
69 identification card or receipt for fee paid for such card, failing which the conditions of section  
70 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any  
71 violation of this chapter.

72 (h) Any person who is required to surrender such person's firearms identification card,  
73 license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law,  
74 shall simultaneously surrender any stun gun in the same manner as such other weapons are  
75 surrendered.

76 (i) The secretary of public safety shall adopt regulations governing storage of devices or  
77 weapons under this section and law enforcement training on the appropriate use of devices or  
78 weapons issued under this section.”;

79           And to further amend the bill by adding in line 43 the words “regardless of whether it  
80 passes an electrical shock by means of a dart or projectile via a wire lead,” after the words “a  
81 portable device or weapon,”

82           And by adding in line 44 after the term “incapacitate” the words “temporarily, injure or  
83 kill”