

**SENATE . . . . . No. 1404**

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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>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>1/30/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/1/2019</i>

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1404) of Ryan C. Fattman, Dean A. Tran and Michael J. Soter 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. 1309 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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 General Laws, as appearing in the 2016 Official Edition,  
2 is hereby amended by inserting after section 129D the following section:-

3           Section 129E. (a) No government official or any person acting on behalf of the  
4 commonwealth shall order the confiscation of, or otherwise cause the confiscation of, any  
5 lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

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

9           (c) Whoever violates the provisions of this section shall be subject to a civil fine of not  
10 less than \$500 and not more than \$5,000 for each firearm unlawfully confiscated or by  
11 imprisonment in a state prison for not more than two and one-half years. Nothing in this section  
12 shall prohibit the confiscation of a firearm, rifle, shotgun, machinegun or ammunition from any  
13 person who: (i) has been placed under arrest; (ii) is the subject of a protection order issued under  
14 chapter 209A; or (iii) has had their firearm identification card or license to carry revoked or  
15 suspended.