

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

David K. Muradian, 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 self-defense sprays.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to self-defense sprays.

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 135 of the Acts of 2022, is hereby amended by striking section 36,
2 and inserting in place thereof the following:-

3 Section 36. Said chapter 140 is hereby further amended by striking out section 122D, as
4 so appearing, and inserting in place thereof the following section:

5 Section 122D. No person shall purchase or possess self-defense spray who:

- 6 (i) in a court of the commonwealth, has been convicted or adjudicated a youthful offender
- 7 or delinquent child as defined in section 52 of chapter 119 for the commission of: (A) a felony;
- 8 (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as
- 9 defined in section 121; (D) a violation of a law regulating the use, possession, ownership,
- 10 transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for
- 11 which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use,
- 12 possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but
- 13 not limited to, a violation under said chapter 94C; provided, however, that except for the

14 commission of a violent crime or a crime involving the trafficking of controlled substances, if the
15 person has been so convicted or adjudicated or released from confinement, probation or parole
16 supervision for such conviction or adjudication, whichever occurs last, for 5 or more years
17 immediately preceding the purchase or possession, that person may purchase or possess self-
18 defense spray;

19 (ii) in another state or federal jurisdiction, has been convicted or adjudicated a youthful
20 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable
21 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
22 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,
23 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
24 may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled
25 substance as defined in section 1 of chapter 94C; provided, however, that, except for the
26 commission of a violent crime or a crime involving the trafficking of weapons or controlled
27 substances, if the person has been so convicted or adjudicated or released from confinement,
28 probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5
29 or more years immediately preceding the purchase or possession and that applicant's right or
30 ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject
31 conviction or adjudication was entered, then that person may purchase or possess self-defense
32 spray;

33 (iii) has been committed to any hospital or institution for mental illness unless the person
34 obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical
35 psychologist attesting that such physician or psychologist is familiar with the applicant's mental

36 illness and that in the physician's or psychologist's opinion the applicant is not disabled by such
37 an illness in a manner that shall prevent the applicant from possessing self-defense spray;

38 (iv) is or has been in recovery from or committed based upon a finding that the person is
39 a person with an alcohol use disorder or a substance use disorder or both unless a licensed
40 physician or clinical psychologist deems such person to be in recovery from such condition, in
41 which case, such person may purchase or possess self-defense spray after 5 years from the date
42 of such confinement or recovery; provided, however, that prior to such purchase or possession of
43 self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or
44 clinical psychologist attesting that such physician or psychologist knows the person's history of
45 treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

46 (v) at the time of the application, is younger than 15 years of age;

47 (vi) at the time of the application, is at least 15 years of age but less than 18 years of age
48 unless the applicant submits with the application a certificate from the applicant's parent or
49 guardian granting the applicant permission to apply for a card;

50 (vii) is an alien who does not maintain lawful permanent residency or is an alien not
51 residing under a visa pursuant to 8 U.S.C § 1101(a)(15)(U), or is an alien not residing under a
52 visa pursuant to 8 U.S.C. § 1154(a)(1)(B)(ii)(I) or is an alien not residing under a visa pursuant
53 to 8 U.S.C. § 1101(a)(15)(T)(i)(I)–(IV);

54 (viii) is currently subject to: (1) an order for suspension or surrender issued pursuant to
55 section 3B or 3C of chapter 209A or section 7 of chapter 258E; or (2) a permanent or temporary
56 protection order issued pursuant to chapter 209A or section 7 of chapter 258E; or

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

59 Whoever purchases or possesses self-defense spray in violation of this section shall be
60 punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not
61 more than 2 years or both such fine and imprisonment.