SENATE DOCKET, NO. FILED ON: 1/14/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Richard R. Tisei**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act relative to the sale and possession of bb.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Richard R. Tisei | Middlesex and Essex |
| Gary Christenson | 72 Ashland Street, Unit 406
Malden, MA 02148
Ward1info@yahoo.com |
| Kenneth Coye | Malden Police Chief
200 Pleasant Street
Malden, MA 02148
 |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01424 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to the sale and possession of bb.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 12A of chapter 269 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the following section:-

            No person shall sell an air rifle or a BB, pellet or paintball gun without first verifying the age of the buyer by requiring said buyer to produce a valid driver’s license or other form of state produced picture identification containing their name, address and date of birth at the time of purchase. Under no circumstance shall an air rifle or BB, pellet or paintball gun be sold to a minor under the age of 18. Whoever sells to a minor under the age of 18 or whoever, not being a parent, guardian or adult teacher or instructor, furnishes to a minor under the age of 18 an air rifle or BB, pellet or paintball gun shall be punished by a fine of five hundred dollars or by imprisonment of not more than six months.

SECTION 2. Section 12B of said chapter 269, as so appearing, is hereby amended by striking the first sentence in its entirety and inserting in place thereof the following sentence:-

            No person under the age of 21 shall have an air rifle or BB, pellet or paintball gun in his possession in any public place to which the public has a right of access unless he is the holder of a sporting or hunting license and has on their person or possesses a Firearms Identification Card issued by the chief of police of the town in which he resides granting him the right of such possession. No person shall discharge a BB shot, pellet or other object from an air rifle or BB, pellet or paintball gun into, from or across any street, alley, public way or railroad or railroad right of way. Whoever violates this section shall be punished by a fine of not more than two hundred and fifty dollars and the gun may be confiscated. Upon conviction of a violation of this section the air rifle or BB, pellet or paintball gun shall, by the written authority of the court, be forwarded to the colonel of the state police, who may dispose of said article in the same manner as described in section ten.