

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

David P. Linsky

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 to restrict the issuance of licenses to carry firearms.

PETITION OF:

NAME:

David P. Linsky

DISTRICT/ADDRESS:

5th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2341 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO RESTRICT THE ISSUANCE OF LICENSES TO CARRY FIREARMS.

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. Section 121 of chapter 140 of the General Laws is hereby amended by striking out
2 the definition of “Conviction” and inserting in place thereof the following definition:—
3 “Conviction”, a finding or verdict of guilt or a plea of guilty, whether or not final sentence is
4 imposed, or a continuation without a finding after a finding of sufficient facts to warrant a
5 finding of guilty.

6 SECTION 2. Section 131 of said chapter 140, as so appearing, is hereby amended by striking out
7 subsection (d) and inserting in place thereof the following subsection:—
8 (d) Any person residing or having a place of business within the jurisdiction of the licensing
9 authority or any person residing in an area of exclusive federal jurisdiction located within a city
10 or town may submit to such licensing authority or the colonel of state police, an application for a
11 Class A or Class B license to carry firearms, or renewal of the same, which such licensing
12 authority or said colonel may issue if it appears that the applicant is a suitable person to be issued
13 such license, and that the applicant has a good, specific and compelling reason to fear injury to
14 his person or property, or may issue a license limited to the carrying of firearms for use in sport
15 or target practice only, subject to such restrictions expressed or authorized under this section,
16 unless the applicant:
17 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or
18 delinquent child for the commission of (a) a felony; (b) a misdemeanor punishable by
19 imprisonment for more than one year; (c) a violent crime as defined in section 121; (d) a
20 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
21 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
22 may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled

23 substances as defined in section 1 of chapter 94C;
24 (ii) has been confined to any hospital or institution for mental illness, unless the applicant
25 submits with his application an affidavit of a registered physician attesting that such physician is
26 familiar with the applicant's mental illness and that in such physician's opinion the applicant is
27 not disabled by such an illness in a manner that should prevent such applicant from possessing a
28 firearm;
29 (iii) is or has been under treatment for or confinement for substance or alcohol abuse unless such
30 applicant is deemed to be cured of such condition by a licensed physician, and such applicant
31 may make application for such license after the expiration of five years from the date of such
32 confinement or treatment and upon presentment of an affidavit issued by such physician stating
33 that such physician knows the applicant's history of treatment and that in such physician's
34 opinion the applicant is deemed cured;
35 (iv) is at the time of the application less than 21 years of age;
36 (v) is an alien;
37 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B
38 or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or
39 temporary protection order issued pursuant to chapter 208 or chapter 209A or a similar order
40 issued by another jurisdiction; or
41 (vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.
42 (viii) has not successfully completed a firearms safety course of at least twenty hours, including a
43 minimum of four hours of practical shooting instruction at a firing range that has been approved
44 by the secretary of public safety or his designee.