

HOUSE No.

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 Illegal Firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael F. Rush	10th Suffolk

21 emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced
22 under this subsection shall neither be continued without a finding nor placed on file.

23

24 No person having in effect a license to carry firearms for any purpose, issued under section one hundred
25 thirty-one or section one hundred thirty-one F of chapter one hundred forty of the General Laws of
26 Massachusetts shall be deemed to be in violation of this section.

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28 Whoever, after having been convicted of any of the offenses set forth in this act and/or section 10(a),
29 section 10(b), or section 10(c) of chapter two hundred sixty-nine of the General Laws of Massachusetts
30 commits a like offense or any other of the said offenses, shall be punished by imprisonment in the state
31 prison for not less than five years nor more than seven years; for a third such offense, by imprisonment
32 in the state prison for not less than seven years nor more than ten years; and for a fourth such offense,
33 by imprisonment in the state prison for not less than ten years nor more than fifteen years. The
34 sentence imposed upon a person, who after a conviction of an offense under said sections 10(a), 10(b),
35 and 10(c) commits the same or a like offense, shall not be suspended, nor shall any person so sentenced
36 be eligible for probation or receive any deduction from his sentence for good conduct.

37

38 Upon conviction of a violation of this act and/or section 10 of chapter two hundred sixty-nine of the
39 General Laws of Massachusetts, the firearm or other article shall, unless otherwise ordered by the court,
40 be confiscated by the commonwealth of Massachusetts. The firearm or article so confiscated shall, by
41 the authority of the written order of the court be forwarded by common carrier to the colonel of the
42 state police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may
43 sell or destroy the same, except that any firearm which may not be lawfully sold in the commonwealth
44 of Massachusetts shall be destroyed, and in the case of a sale, after paying the cost of forwarding the
45 article, shall pay over the net proceeds to the commonwealth of Massachusetts.

46

47 The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession
48 of it, order its return to such person.

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51 *Section 2. Severability.*

52 If any provision of this act or the application of such provision to any person or circumstance shall be
53 held invalid, the validity of the remainder of this act and the applicability of such provision to other
54 persons or circumstances shall not be affected thereby.

55

56 *Section 3. Implementation.*

57 The provisions of these sections shall be effective immediately upon

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