

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Moore, Richard (SEN)**

*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 Prohibiting the Confiscation of Lawfully Owned Firearms During a State of Emergency**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Moore, Richard (SEN)	Worcester and Norfolk
George N. Peterson, Jr.	9th Worcester
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Bradley H. Jones, Jr.	20th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01401 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### 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 Massachusetts General Laws shall be amended by adding the  
2 following section;

3 Section 129E. Prohibiting the confiscation of lawfully owned firearms.

4 No government official or any person acting on behalf of the Commonwealth of  
5 Massachusetts shall order the confiscation of, or otherwise cause the confiscation of, any  
6 lawfully carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

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

10       Whoever violates the provisions of this section shall be subject to a civil fine of not less than  
11 \$500 nor more than \$5,000 for each firearm unlawfully confiscated or by imprisonment in a state  
12 prison for not more than two and one-half years.

13       Nothing in this section shall prohibit the confiscation of a firearm, rifle, shotgun, machinegun  
14 or ammunition from any person who;

15       (a) Has been placed under arrest;

16       (b) Who is the subject of a protection order issued under Chapter 209A;

17       (c) Has had their Firearm Identification Card or License to Carry revoked or suspended.