

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Steven C. Panagiotakos**

*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 dangerous weapons.

PETITION OF:

NAME:

Steven C. Panagiotakos

DISTRICT/ADDRESS:

First Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO DANGEROUS WEAPONS.

*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 10 of chapter 269 is hereby amended by striking out paragraph (b) and  
2 inserting in place thereof the following paragraph:

3 (b) As used in this paragraph, the following words shall have the following meanings:

4 i. “dagger”, a bladed instrument designed for use as a weapon, including but not limited  
5 to a dirk, stiletto, push-knife, boot knife, combat knife, or fighting knife;

6 ii. “knife”, a cutting or stabbing instrument of metal or other resilient substance, and  
7 shall include, but not be limited to, a sword or machete;

8 iii. “ballistic knife”, a device that propels a knifelike blade as a projectile by means of a  
9 coil spring, elastic material, or compressed gas. The term “ballistic knife” shall not  
10 include any device which propels an arrow or a bolt by means of any common bow,  
11 compound bow, crossbow, or underwater speargun;

12 iv. “switchblade knife”, any knife having an automatic spring release device by which  
13 the blade is released from the handle, having a blade of over one and one half inches;

- 14 v. “butterfly knife”, any knife having a blade encased in a split handle that manually  
15 unfolds with hand or wrist action with the assistance of inertia, gravity or both;
- 16 vi. “disguised knife”, any knife designed so that it is not readily recognizable as a knife,  
17 and appears instead to be some non-threatening item such as a lipstick, pen, belt  
18 buckle, air gauge, or any other common item;
- 19 vii. “undetectable knife”, any knife or other instrument with or without a handguard that  
20 is capable of ready use as a stabbing weapon that is not detectable by a metal detector  
21 or magnetometer set at standard calibration;
- 22 viii. “blackjack”, a hand-held instrument with a weighted end designed for striking with  
23 concussive force;
- 24 ix. “billy club”, a hand-held instrument designed for striking another with concussive  
25 force, and shall include a nightstick, tonfa, spring-stick, or telescoping metal baton;
- 26 x. “brass knuckles”, a set of metal finger rings or guards attached to a transverse piece  
27 and worn over the front of the doubled fist for use as a weapon, and includes any such  
28 device whether made of brass, or of some other metal, or of another hard composite  
29 substance. This definition shall include a knuckle-knife, meaning any brass knuckles  
30 attached to a blade
- 31 xi. “leaded gloves”, any gloves or other hand-covering which are manufactured or  
32 modified such that they contain a weighted element such as lead shot, designed so  
33 that the wearer may strike another with enhanced force;
- 34 xii. “nunchaku”, two sticks of wood, plastic or metal connected at one end by a length of  
35 rope, chain, wire or leather, capable of striking another with force sufficient to cause  
36 injury;

37       xiii.   “throwing star”, a shuriken, or any instrument with one or more sharp edges and  
38           designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric  
39           shape for use as a weapon for throwing;

40       xiv.   “electrical weapon”, a portable device or weapon from which an electrical current,  
41           impulse, wave or beam may be directed, which current, impulse, wave or beam is  
42           designed to incapacitate temporarily, injure or kill, including, but not limited to, a  
43           taser or stun gun.

44   Whoever, except as provided by law, carries on his person, or under his control in a vehicle, any  
45   dagger; any knife having a double-edged blade; any ballistic knife; any switchblade knife; any  
46   butterfly knife; any disguised knife; any undetectable knife; any blackjack; any billy club; any  
47   brass knuckles; any leaded gloves; any nunchaku; any throwing star; any electrical weapon; or  
48   any other knife having a blade length of greater than 3 ½ inches that is possessed during the  
49   commission of any felony or misdemeanor, or that is used or intended to be used in an assaultive  
50   or otherwise unlawful manner; shall be punished by up to 5 years in the state prison, or up to two  
51   and one half years in a jail or house of correction, or a fine of up to \$1,000, or both. Whoever,  
52   after having been convicted of one or more felonies in any state or federal court, violates the  
53   provisions of this paragraph shall be punished by imprisonment for a mandatory minimum  
54   period of not less than 1 year nor more than 5 years in the state prison, or not less than a  
55   mandatory minimum of six months nor more than two and one half years in a jail or house of  
56   correction. Such a sentence shall not be suspended, nor shall any person so sentenced be eligible  
57   for probation or receive any deduction from his sentence for good conduct. A fine of not more  
58   than \$1,000 may be imposed, but not in place of the mandatory minimum term of incarceration.  
59   Whoever shall violate the provisions of this section while in the commission of any felony shall,

60 in addition to any penalty for that felony, be punished by imprisonment for not less than a  
61 mandatory minimum period of two and one half years nor more than ten years in the state prison,  
62 or not less than a mandatory minimum of two years nor more than two and one half years a jail  
63 or house of correction. A fine of not more than \$5,000 may be imposed, but not in place of the  
64 mandatory minimum term of incarceration.

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66 Nothing in this section shall prohibit possession of the above weapons by (i.) a federal, state or  
67 municipal law enforcement officer, or member of a special reaction team in a state prison or  
68 designated special operations or tactical team in a county correctional facility, acting in the  
69 discharge of his or her official duties who has completed a training course approved by the  
70 secretary of public safety in the use of such a device or weapon; (ii.) military personnel who  
71 possess such weapons in question as part of their official duties; or (iii.) an authorized supplier of  
72 such devices or weapons if possession of the device or weapon is necessary to the supply or sale  
73 of the device or weapon within the scope of a legitimate sale or supply enterprise.