

HOUSE No. 2339

By Mr. LeDuc of Marlborough, petition of Stephen P. LeDuc relative to establishing a firearm identification card for pepper spray. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A NEW LICENSE AND FIREARM IDENTIFICATION CARD FOR PEPPER SPRAY.

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. Notwithstanding the provisions of Sections 129B
2 and 131 of Chapter 140 of the General Laws, any person residing or
3 having a place of business in any city or town may submit to the
4 chief of police or police commissioner in such city or town an appli-
5 cation to purchase and possess chemical mace, pepper spray or other
6 similarly propelled liquid, gas or powder designed to temporarily
7 incapacitate and the chief of police or police commissioner may
8 issue if it appears that the applicant is a suitable person a license to
9 purchase and possess such materials unless the applicant:—
10 (1) has, in any state or federal jurisdiction, been convicted or
11 adjudicated a youthful offender or delinquent child for the commis-
12 sion of:—
13 (a) a felony;
14 (b) a misdemeanor punishable by imprisonment for more than
15 two years;
16 (c) a violent crime as defined in Section 121;
17 (d) a violation of any law regulating the use, possession, owner-
18 ship, transfer, purchase, sale, lease, rental, receipt or transportation
19 of weapons or ammunition for which a term of imprisonment may
20 be imposed; or
21 (e) a violation of any law regulating the use, possession or sale of
22 controlled substances as defined in section 1 of Chapter 94C;
23 (2) has been confined to any hospital or institution for mental ill-
24 ness, unless the applicant submits with his application an affidavit of

25 a registered physician attesting that such physician is familiar with
26 the applicant's mental illness and that in such physician's opinion
27 the applicant is not disabled by such an illness in a manner that
28 should prevent such applicant from possessing a firearm;

29 (3) is or has been under treatment for or confinement for drug
30 addiction or habitual drunkenness, unless such applicant is deemed
31 to be cured of such condition by a licensed physician, and such
32 applicant may make application for such license after the expiration
33 of 5 years from the date of such confinement or treatment and upon
34 presentment of an affidavit issued by such physician stating that
35 such physician knows the applicant's history of treatment and that in
36 such physician's opinion the applicant is deemed cured;

37 (4) is at the time of the application less than 21 years of age;

38 (5) is an alien;

39 (6) is currently subject to:—

40 (a) an order for suspension or surrender issued pursuant to Section
41 3B or 3C of Chapter 209A or a similar order issued by another juris-
42 diction; or

43 (b) a permanent or temporary protection order issued pursuant to
44 chapter 209A or a similar order issued by another jurisdiction; or

45 (7) is currently the subject of an outstanding arrest warrant in any
46 state or federal jurisdiction.

47 The chief of police or police commissioner shall, within 72 hours
48 from the date of application either approve the application and issue
49 the license or deny the application and notify the applicant of the
50 reason for such denial in writing.

1 SECTION 2. There shall be no application fee for said license.