

HOUSE No. 2341

By Mr. Linsky of Natick, petition of David Paul Linsky and others for legislation to further regulate the issuance of licenses to carry firearms. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

David Paul Linsky	Alice Hanlon Peisch
J. James Marzilli, Jr.	Alice K. Wolf
Susan C. Fargo	Gloria L. Fox
Michael E. Festa	Karen E. Spilka
Ellen Story	

In the Year Two Thousand and Seven.

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, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out the definition of “Conviction” and inserting in place
4 thereof the following definition:—

5 “Conviction”, a finding or verdict of guilt or a plea of guilty,
6 whether or not final sentence is imposed, or a continuation without a
7 finding after a finding of sufficient facts to warrant a finding of
8 guilty.

1 SECTION 2. Section 131 of said Chapter 140, as so appearing, is
2 hereby amended by striking out subsection (d) and inserting in place
3 thereof the following subsection:—

4 (d) Any person residing or having a place of business within the
5 jurisdiction of the licensing authority or any person residing in an
6 area of exclusive federal jurisdiction located within a city or town
7 may submit to such licensing authority or the colonel of state police,
8 an application for a Class A or Class B license to carry firearms, or

9 renewal of the same, which such licensing authority or said colonel
10 may issue if it appears that the applicant is a suitable person to be
11 issued such license, and that the applicant has a good, specific and
12 compelling reason to fear injury to his person or property, or may
13 issue a license limited to the carrying of firearms for use in sport or
14 target practice only, subject to such restrictions expressed or autho-
15 rized under this section, unless the applicant:—

16 (i) has, in any state or federal jurisdiction, been convicted or adju-
17 dicated a youthful offender or delinquent child for the commission
18 of:—

19 (a) a felony;

20 (b) a misdemeanor punishable by imprisonment for more than one
21 year;

22 (c) a violent crime as defined in section 121;

23 (d) a violation of any law regulating the use, possession, owner-
24 ship, transfer, purchase, sale, lease, rental, receipt or transportation
25 of weapons or ammunition for which a term of imprisonment may
26 be imposed; or

27 (e) a violation of any law regulating the use, possession or sale of
28 controlled substances as defined in Section 1 of Chapter 94C;

29 (ii) has been confined to any hospital or institution for mental ill-
30 nesses, unless the applicant submits with his application an affidavit of
31 a registered physician attesting that such physician is familiar with
32 the applicant's mental illness and that in such physician's opinion
33 the applicant is not disabled by such an illness in a manner that
34 should prevent such applicant from possessing a firearm;

35 (iii) is or has been under treatment for or confinement for sub-
36 stance or alcohol abuse unless such applicant is deemed to be cured
37 of such condition by a licensed physician, and such applicant may
38 make application for such license after the expiration of five years
39 from the date of such confinement or treatment and upon present-
40 ment of an affidavit issued by such physician stating that such physi-
41 cian knows the applicant's history of treatment and that in such
42 physician's opinion the applicant is deemed cured;

43 (iv) is at the time of the application less than 21 years of age;

44 (v) is an alien;

45 (vi) is currently subject to:—

46 (A) an order for suspension or surrender issued pursuant to
47 Section 3B or 3C of Chapter 209A or a similar order issued by
48 another jurisdiction; or

49 (B) a permanent or temporary protection order issued pursuant to
50 Chapter 208 or Chapter 209A or a similar order issued by another
51 jurisdiction; or

52 (vii) is currently the subject of an outstanding arrest warrant in
53 any state or federal jurisdiction.

54 (viii) has not successfully completed a firearms safety course of at
55 least twenty hours, including a minimum of four hours of practical
56 shooting instruction at a firing range that has been approved by the
57 secretary of public safety or his designee.