

HOUSE No. 2375

By Mr. Sannicandro of Ashland, petition of Tom Sannicandro and John W. Scibak relative to licenses for the possession of pepper spray. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO 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 Chapter 140, SECTION 129b of the General Laws, as appearing
2 in the 2005 official edition, is hereby amended in clause (9B) by
3 striking the words “The application fee for a firearm identification
4 card issued for the sole purpose of purchasing or possessing chem-
5 ical mace, pepper spray or other similarly propelled liquid, gas or
6 powder designed to temporarily incapacitate shall be \$25, which
7 shall be payable to the licensing authority and shall not be prorated
8 or refunded in the case of revocation or denial. The licensing
9 authority shall retain 50 per cent of the fee and the remaining portion
10 shall be deposited in the General Fund. Notwithstanding any general
11 or special law to the contrary, licensing authorities shall deposit
12 quarterly that portion of the firearm identification card application
13 fee which is to be deposited into the General Fund, not later than
14 January 1, April 1, July 1 and October 1 of each year. There shall be
15 no application fee for the renewal of a firearm identification card
16 issued under this clause. A firearm identification card issued under
17 this clause shall display, in clear and conspicuous language, that the
18 card shall be valid only for the purpose of purchasing or possessing
19 chemical mace, pepper spray or other similarly propelled liquid, gas
20 or powder designed to temporarily incapacitate.” And replacing
21 thereof the following “Possession of chemical mace, pepper spray or
22 other similarly propelled liquid, gas or powder designed to tem-
23 porarily incapacitate shall not require a firearm identification card.”

24 And by striking the following words in clause (6):—

25 “A firearm identification card shall be valid for the purpose of
26 purchasing and possessing chemical mace, pepper spray or other
27 similarly propelled liquid, gas or powder designed to temporarily
28 incapacitate.”

29 And by striking the following words in clause (7):—

30 “If a firearm identification card is issued for the sole purpose of
31 purchasing or possessing chemical mace, pepper spray or other simi-
32 larly propelled liquid, gas or powder designed to temporarily inca-
33 pacitate, such card shall clearly state that such card is valid for such
34 limited purpose only. The application for such card shall be made in
35 a standard form provided by the executive director of the criminal
36 history systems board which shall require the applicant to affirma-
37 tively state, under the pains and penalties of perjury, that he is not
38 disqualified on any of the grounds enumerated in clauses (i) to (ix),
39 inclusive, from being issued such card.”