

SENATE No. 1789

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:	DISTRICT/ADDRESS:
Steven C. Panagiotakos	First Middlesex
Kevin J. Murphy	18th Middlesex
David M. Nangle	17th Middlesex
Colleen M. Garry	36th Middlesex
Jennifer Benson	37th Middlesex
Thomas A. Golden, Jr.	16th Middlesex
Kay Khan	11th 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)
2 and 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.

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