HOUSE DOCKET, NO. 1571 FILED ON: 1/20/2011

HOUSE . . . . . No. 1562

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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:

An Act to restrict the issuance of licenses to carry firearms..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David Paul Linsky	*5th Middlesex*
Cory Atkins	*14th Middlesex*
Denise Provost	*27th Middlesex*

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HOUSE . . . . . No. 1562

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 1562) of David Paul Linsky, Cory Atkins and Denise Provost for legislation to further regulate the issuance of licenses to carry firearms. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2248* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by striking out the definition of "Conviction" and inserting in place thereof the following definition:—

"Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed, or a continuation without a finding after a finding of sufficient facts to warrant a finding of guilty.

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

(d) Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to such licensing authority or the colonel of state police, an application for a Class A or Class B license to carry firearms, or renewal of the same, which such licensing authority or said colonel may issue if it appears that the applicant is a suitable person to be issued such license, and that the applicant has a good, specific and compelling reason to fear injury to his person or property, or may issue a license limited to the carrying of firearms for use in sport or target practice only, subject to such restrictions expressed or authorized under this section, unless the applicant:

18 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful
19 offender or delinquent child for the commission of (a) a felony; (b) a misdemeanor punishable by
20 imprisonment for more than one year; (c) a violent crime as defined in section 121; (d) a
21 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
22 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
23 may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled
24 substances as defined in section 1 of chapter 94C;

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

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

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

37 (v) is an alien;

38 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to
39 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a
40 permanent or temporary protection order issued pursuant to chapter 208 or chapter 209A or a
41 similar order issued by another jurisdiction; or

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

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