HOUSE DOCKET, NO. 1006 FILED ON: 1/19/2011

HOUSE . . . . . No. 1578

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

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 relative to increasing accessibility to nonlethal self defense sprays.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy J. Toomey, Jr.	*26th Middlesex*

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By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 1578) of Timothy J. Toomey, Jr. for legislation to increase the accessibility of non-lethal self defense sprays. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2288* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to increasing accessibility to nonlethal self defense sprays.

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, as appearing in the 2006 Official Edition, is hereby amended by striking out the definition of "ammunition" and inserting in place thereof the following definition: "Ammunition" cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

SECTION 2. Section 129B of chapter 140 of the General Laws, as appearing, is hereby amended by striking out in lines 140 through 142 the sentence, "A firearm identification card shall be valid for the purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate."

SECTION 3. Section 129B of chapter 140 of the General Laws, as appearing, is hereby amended by striking out in lines 206 through 210 the sentence, "A firearm identification card issued under this clause shall display, in clear and conspicuous language, that the card shall be valid only for the purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate."

SECTION 4. 129B of chapter 140 of the General Laws, as appearing, is hereby amended by striking out the clause "The application fee for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall be $25, which shall be

18 payable to the licensing authority and shall not be prorated or refunded in the case of revocation
19 or denial. The licensing authority shall retain 50 per cent of the fee and the remaining portion
20 shall be deposited in the General Fund. Notwithstanding any general or special law to the
21 contrary, licensing authorities shall deposit quarterly that portion of the firearm identification
22 card application fee which is to be deposited into the General Fund, not later than January 1,
23 April 1, July 1 and October 1 of each year. There shall be no application fee for the renewal of a
24 firearm identification card issued under this clause.

25 A firearm identification card issued under this clause shall display, in clear and
26 conspicuous language, that the card shall be valid only for the purpose of purchasing or
27 possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder
28 designed to temporarily incapacitate."

29 SECTION 5. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
30 amended by striking out the clause, "and for purchasing and possessing chemical mace, pepper
31 spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate,"

32 SECTION 6. Section 131P of chapter 140 of the General Laws, as so appearing, is
33 hereby amended by striking out in lines 12 through 17, ";and provided further, that an applicant
34 for a firearms identification card for the sole purpose of purchasing or possessing chemical mace,
35 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
36 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for
37 receiving such card."

38 SECTION 7. Section 3B of chapter 209A of the General Laws, as so appearing, is
39 hereby amended by inserting in line 7 after the words "and ammunition" the following words:
40 "or chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
41 temporarily incapacitate"

42 SECTION 8. Section 3C of chapter 209A of the General Laws, as so appearing, is
43 hereby amended by inserting in line 7 after the words "and ammunition" the following words:
44 "or chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
45 temporarily incapacitate"

46 SECTION 9. Section 121 of chapter 266 of the General Laws, as so appearing, is hereby
47 amended by inserting in line 2 after the words "with firearms" the following words: "or
48 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
49 temporarily incapacitate,"

50 SECTION 10. Chapter 269 of the General Laws, as so appearing, is hereby amended by
51 inserting after section 10A the following sections:

52 Section 10I. Any person who makes a sale or delivery of chemical mace, pepper spray
53 or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, to any
54 person under the age of eighteen shall be punished by a fine of not more than two thousand
55 dollars or by imprisonment for not more than six months, or both. This section shall not prohibit
56 the employment of any person over the age of eighteen from handling or selling such products
57 and shall not prohibit a business from employing a person under the age or eighteen who does
58 not directly handle or sell such products.

59 Section 10I½. Any person under the age of eighteen who possesses, purchases or
60 attempts to purchase chemical mace, pepper spray or other similarly propelled liquid, gas or
61 powder designed to temporarily incapacitate, or makes arrangements with any person to
62 purchase or procure such products, or who willfully misrepresents his age, or alters, defaces or
63 falsifies his identification offered as proof of age, with the intent of purchasing such products
64 shall be punished by a fine of not more than five hundred dollars.

65 SECTION 11. Section 10C of chapter 269 of the General Laws, as so appearing, is
66 hereby amended by inserting in line 5 after the words "seven years" the following clause:
67 "Whoever except in the lawful defense of life or property, willfully discharges chemical mace,
68 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
69 incapacitate, with the intent to accost or annoy another person shall be punished by a fine of not
70 more than five hundred dollars."