

SENATE No. 1404

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 adoption of the accompanying bill:

An Act prohibiting the confiscation of lawfully owned firearms during a state of emergency.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------|--------------------------------|------------------|
| <i>Ryan C. Fattman</i> | <i>Worcester and Norfolk</i> | |
| <i>Dean A. Tran</i> | <i>Worcester and Middlesex</i> | <i>1/30/2019</i> |
| <i>Michael J. Soter</i> | <i>8th Worcester</i> | <i>2/1/2019</i> |

SENATE No. 1404

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1404) of Ryan C. Fattman, Dean A. Tran and Michael J. Soter for legislation to prohibit the confiscation of lawfully owned firearms during a state of emergency. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1309 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act prohibiting the confiscation of lawfully owned firearms during a state of emergency.

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. Chapter 140 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting after section 129D the following section:-

3 Section 129E. (a) No government official or any person acting on behalf of the
4 commonwealth shall order the confiscation of, or otherwise cause the confiscation of, any
5 lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

6 (b) No law enforcement officer, person acting as a law enforcement officer, or other
7 public official shall confiscate or attempt to confiscate or attempt to confiscate an lawfully
8 carried or lawfully owned firearm, rifle, shotgun, machinegun or ammunition.

9 (c) Whoever violates the provisions of this section shall be subject to a civil fine of not
10 less than \$500 and not more than \$5,000 for each firearm unlawfully confiscated or by
11 imprisonment in a state prison for not more than two and one-half years. Nothing in this section
12 shall prohibit the confiscation of a firearm, rifle, shotgun, machinegun or ammunition from any
13 person who: (i) has been placed under arrest; (ii) is the subject of a protection order issued under
14 chapter 209A; or (iii) has had their firearm identification card or license to carry revoked or
15 suspended.