

---

---

By Mr. Murphy of Boston, petition of Paul Murphy for legislation relative to increasing the punishment for carrying of firearms without permission. The Judiciary.

---

---

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Five.

**AN ACT RELATIVE TO INCREASING THE PUNISHMENT FOR THE CARRYING OF FIREARMS WITHOUT PERMISSION.**

*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 269 of the General Laws is hereby amended by  
2 striking out section 10, as most recently amended by chapter 688  
3 of the acts of 1957, and inserting in place thereof the following  
4 section: —

5 *Section 10.* Whoever, except as provided by law carries any  
6 stiletto, dagger, dirk knife, any knife having a double-edged  
7 blade, or a switch knife, or any knife having an automatic spring  
8 release device by which the blade is released from the handle,  
9 having a blade of over one and one half inches, or a sling shot,  
10 black jack, metallic knuckles or knuckles of any substance which  
11 could be put to the same use and with the same or similar effect  
12 as metallic knuckles, or a sawed-off shotgun; or whoever, when  
13 arrested upon a warrant for an alleged crime or when arrested  
14 while committing a breach or disturbance of the public peace, is  
15 armed with or has on his person, or has on his person or under  
16 his control in a vehicle, a billy or other dangerous weapon other  
17 than those herein mentioned, shall be punished by imprisonment  
18 for not less than two and one half years nor more than five years  
19 in the state prison, or for not less than six months nor more than  
20 two and one half years in a jail or house of correction, except  
21 that, if the court finds the defendant has not been previously  
22 convicted of a felony, he may be punished by a fine of not more

23 than fifty dollars or by imprisonment for not more than two  
24 and one half years in a jail or house of correction; or whoever  
25 after having been convicted of any of the aforesaid offences  
26 commits the like offence or any other of the aforesaid offences,  
27 shall be punished by imprisonment for not less than two and one  
28 half years nor more than five years in the state prison. Whoever  
29 except, as provided by law, carries on his person, or carries on  
30 his person or under his control in a vehicle, a firearm as defined  
31 in section one hundred and twenty-one of chapter one hundred  
32 and forty, loaded or unloaded, without permission under sections  
33 one hundred and thirty-one or one hundred and thirty-one F of  
34 chapter one hundred and forty shall be punished by imprison-  
35 ment for not less than five years nor more than ten years in the  
36 state prison. Whoever, except as provided by law, possesses a  
37 machine gun as defined in section one hundred and twenty-one  
38 of chapter one hundred and forty, without permission under  
39 section one hundred and thirty-one of said chapter, shall be pun-  
40 ished by imprisonment in the state prison for life or for any  
41 term of years. Upon conviction of a violation of this section,  
42 the firearm or other article shall, unless otherwise ordered by  
43 the court, be confiscated by the commonwealth. The firearm  
44 or article so confiscated shall, by the authority of the written  
45 order of the court be forwarded by common carrier to the com-  
46 missioner of public safety, who, upon receipt of the same, shall  
47 notify said court or justice thereof. Said commissioner may sell  
48 or destroy the same, and, in case of a sale, after paying the cost  
49 of forwarding the article, shall pay over the net proceeds to the  
50 commonwealth.

51 The court may, if the firearm or other article was lost by  
52 or stolen from the person lawfully in possession of it, order  
53 its return to such person, and where it has been the finding  
54 of the court that a person has been guilty of unlawful possession  
55 of a firearm, but makes the further finding that such possession  
56 was in ignorance of the law, the court may order the return of  
57 said firearm to its owner upon his compliance with those regula-  
58 tions relative to the establishment of lawful possession.