

HOUSE No. 869

Accompanying the petition of M. J. Fitzgerald relative to the purchase, sale, carrying, possession and use of certain dangerous weapons. Public Safety. January 17.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Two.

AN ACT

To prevent the Illegal Purchase, Sale, Carrying, Possession, Use and Manufacture of 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. Whoever manufactures or causes to be
2 manufactured or sells or keeps or exposes for sale an in-
3 strument or weapon of the kind usually known as black-
4 jack, slung shot, billy, sandclub, sandbag, bludgeon or
5 metallic knuckles shall be punished by imprisonment for
6 not less than thirty days nor more than three years in
7 jail, house of correction or the state prison for the first
8 offence, not less than three years nor more than ten years
9 in the state prison for the second offence, and not less
10 than ten years in the state prison for each subsequent
11 offence.

1 SECTION 2. Whoever when arrested upon a warrant
2 for the alleged crime, and whoever when arrested while
3 committing a crime or a breach or disturbance of the
4 public peace, is armed with or has on his person any
5 blackjack, slung shot, billy, sandclub, bludgeon, metallic
6 knuckles, revolver or pistol loaded or unloaded, or other
7 dangerous weapon, in violation of this act, shall be pun-
8 ished by imprisonment for not less than thirty days nor
9 more than three years in jail, house of correction or the
10 state prison for the first offence, not less than three years
11 nor more than ten years in state prison for the second
12 offence, and not less than ten years in the state prison
13 for each subsequent offence.

1 SECTION 3. Whoever is guilty of unlawfully having
2 in his possession any weapon as described in the above
3 section, and who also has already been convicted of a
4 felony in this commonwealth or elsewhere, shall be re-
5 garded under this act as a second offender, and shall be
6 sentenced as such.

1 SECTION 4. Whoever except as provided by law carries
2 on his person or has in his possession a pistol or revolver
3 without permission as hereinafter provided in this act, or
4 whoever carries any blackjack, slung shot, billy, sand-
5 club, sandbag, bludgeon, metallic knuckles, stiletto, dag-
6 ger, or dirk knife, shall be punished by imprisonment for
7 not less than thirty days nor more than three years in
8 jail, house of correction or the state prison for the first
9 offence, not less than three years nor more than ten
10 years in the state prison for the second offence, and not
11 less than ten years in the state prison for each subsequent
12 offence, and upon conviction the pistol, or other article
13 shall be confiscated by the commonwealth. The pistol

14 or article so confiscated shall by the authority of the
15 written order of the court or trial justice be forwarded
16 to the commissioner of public safety, who upon receipt
17 of the same shall notify said court or justice thereof.
18 Said office may sell or destroy the same, and in case of
19 sale, after paying the cost of forwarding the article, shall
20 pay over the net proceeds to the commonwealth.

1 SECTION 5. The board of police, police commissioner,
2 chief of police or other board or officer in charge of the
3 police department of a city or town, or persons author-
4 ized by them, may upon the application of any person,
5 who is a bona fide resident of the district where such
6 issuing officer or officers have jurisdiction, issue a license
7 to such person to possess or carry a pistol or revolver in
8 the commonwealth if it appears that the applicant has
9 reason to fear an injury to his person or property or for
10 any other proper purpose, and if he is a suitable person
11 to be so licensed as provided for hereafter. Any license
12 issued in pursuance of the provisions of this or any other
13 section may be limited as to the date of expiration
14 thereof, may be vacated and cancelled at any time by the
15 board or officer issuing the same or elsewhere in the
16 commonwealth by any judge or justice of a court of
17 record for proper cause. The conviction of a licensee of
18 a felony in any part of the commonwealth shall operate
19 as a revocation of any and all licenses issued under the
20 provisions of this act. Any license issued in pursuance
21 of this provision and not otherwise limited as to the place
22 or time of the possession of such weapon shall be effective
23 throughout the commonwealth.

1 SECTION 6. Any person not a resident of this com-
2 monwealth filing certified letters of character and fitness

3 from his employer or employers and from the person or
4 persons in charge of the police department in his resident
5 city or town may apply for a permit in accordance with
6 the sections of this act.

1 SECTION 7. Permits shall be issued in four classes, as
2 follows:

3 *Class A.* To permit the carrying of a loaded pistol
4 or revolver within the confines of this commonwealth.

5 *Class A (Special).* To permit a non-resident of this
6 commonwealth to carry a loaded pistol or revolver within
7 the confines of the commonwealth as heretofore provided
8 for in Section 6.

9 *Class B.* To permit the keeping of a loaded pistol or
10 pistols or loaded revolver or revolvers, in a home or place
11 of business, not to be taken from the premises of the
12 licensee.

13 *Class C.* To permit the carrying of a pistol or pistols
14 or revolver or revolvers, together with ammunition for
15 same, to and from recognized club ranges, by any person
16 having membership in a bona fide pistol or revolver club,
17 provided that said pistol or pistols or revolver or revolv-
18 ers are unloaded and ammunition for the same is carried
19 in a separate package.

1 SECTION 8. Any license issued under any section of
2 this act shall not be valid until after the licensee has
3 endorsed his usual signature in the space provided there-
4 for.

1 SECTION 9. Wherever an applicant is refused a per-
2 mit, in accordance with this act, he shall have the right
3 to appeal to the commissioner of public safety of the
4 commonwealth who shall in his discretion order a board

5 of police, police commissioner, chief of police or other
6 board or officer in charge of the police department of a
7 city or town, or persons authorized by them, to issue
8 such permit as he deems advisable and the decision of
9 the commissioner of public safety of the commonwealth
10 shall be final on all appeals.

1 SECTION 10. Any person or persons guilty of illegally
2 issuing a permit in violation of the provisions of this act
3 shall be punished by imprisonment of not less than five
4 years in the state prison.

1 SECTION 11. All licenses issued under the provisions
2 of the previous sections shall be in such form that there
3 shall be attached to the body of such license a coupon,
4 which shall be removed and retained by any person who
5 sells or otherwise provides the licensee with any weapon
6 contemplated in such license. Said coupon shall contain
7 the name, age, height, signature and general description
8 of the licensee and the date upon which said license was
9 issued. Any dealer or other person who sells, gives or
10 otherwise provides a person with any pistol or revolver
11 except upon a presentation, removal and retention of such
12 coupon shall be punished by imprisonment for not less
13 than thirty days nor more than three years in jail, house
14 of correction or state prison for the first offence, nor less
15 than three years nor more than ten years in the state
16 prison for the second offence, and not less than ten years
17 in the state prison for each subsequent offence. The
18 provisions of this section shall not apply to the regular
19 and ordinary transportation of firearms as merchandise
20 nor to sheriffs, policemen or other duly appointed officers,
21 nor to duly authorized military or civil organizations

22 when parading, nor to the members thereof when going
23 to and from the place of meeting of their respective
24 organization.

1 SECTION 12. Any dealer or other person who sells,
2 gives or otherwise provides a person with a pistol or re-
3 volver under the provisions of the previous section, or
4 any person whose pistol or revolver is lost or stolen, shall
5 within twenty-four hours thereafter file with the police
6 commissioner, police board, chief of police or other board
7 or officer in charge of the police department in the city
8 or town, a statement setting forth the type, style, calibre,
9 number and manufacturer's name of the pistol or re-
10 volver, and the name and address of the person to whom
11 such pistol or revolver is sold, given, or otherwise pro-
12 vided. Any dealer or other person violating the pro-
13 visions of this section shall be punished by imprisonment
14 of not less than thirty days nor more than three years
15 in jail, house of correction or the state prison for the first
16 offence, not less than three years nor more than ten years
17 in the state prison for the second offence, and not less
18 than ten years in the state prison for each subsequent
19 offence.

1 SECTION 13. Whoever has in his possession, sells or
2 keeps for sale, or offers or gives or disposes of, or who
3 shall carry or conceal upon his person any instrument,
4 attachment, weapon or appliance for causing the firing of
5 any gun, revolver, pistol or other firearms to be silent or
6 intended to lessen or muffle the firing of any gun, re-
7 volver or other firearms, shall be punished by imprison-
8 ment for not less than thirty days nor more than three
9 years in jail, house of correction, or the state prison for
10 the first offence, not less than three years nor more than

11 ten years in the state prison for the second offence, and
12 not less than ten years in the state prison for each sub-
13 sequent offence. This section shall not apply to regular
14 and ordinary transportation by common carriers of any
15 instrument, attachment, weapon or appliance for causing
16 the firing of any gun, revolver, pistol or other firearms
17 as merchandise, nor to sheriffs, policemen or other duly
18 appointed peace officers, or to duly authorized military
19 or civil organizations when parading, nor to members
20 thereof when going to and from the place of meeting of
21 their respective organizations, nor to duly authorized civil
22 or military organizations in practice.

1 SECTION 14. Any person or persons possessing a pistol
2 or revolver in this commonwealth must make report of
3 the same to the board of police, police commissioner,
4 police chief or other board or officer in charge of the
5 police department in his city or town, not later than
6 ninety days after the passage of this act, and said report
7 shall cover the make, maker's number, calibre and gen-
8 eral description of the same.

1 SECTION 15. All persons under eighteen years of age
2 convicted under any section of this act shall be sentenced
3 to not more than one year for the first offence, one to
4 three years for the second offence, and three to five years
5 for third offence, in some institution to be designated by
6 the court.

1 SECTION 16. All acts or parts of acts inconsistent
2 herewith are hereby repealed.

1 SECTION 17. This act is to be effective upon its
2 passage.

