

HOUSE No. 356

By Mr. Feeney of Boston, petition of Francis E. Bailey for legislation to permit use of a certificate by a qualified ballisticians as prima facie evidence in certain court proceedings that a weapon is capable of discharging a shot or bullet. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PERMITTING USE OF A CERTIFICATE BY A QUALIFIED BALLISTICIAN AS PRIMA FACIE EVIDENCE THAT A WEAPON IS CAPABLE OF DISCHARGING A SHOT OR BULLET IN CERTAIN COURT PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The ballisticians or assistant ballisticians of a police department
2 qualified as such by the department of public safety, shall
3 upon request, furnish a signed certificate, on oath, of the result
4 of the ballistic analysis of a weapon, to any prosecuting officer,
5 and the presentation of such certificate to the court by any
6 such officer shall be prima facie evidence that the weapon is
7 capable of discharging a shot or bullet. Such certificate shall be
8 sworn to before a justice of the peace or notary public, and
9 the jurat shall contain a statement that the subscriber is such a
10 qualified ballisticians. When properly executed said certificate
11 shall be prima facie evidence that the weapon is capable of
12 discharging a shot or bullet and is a firearm as defined in
13 section one hundred twenty-one of chapter one hundred and
14 forty of the General Laws and/or is a rifle or shotgun, capable
15 of discharging a shot or bullet, and the court shall take judicial
16 notice of the signature of the ballisticians or an assistant ballis-
17 ticians and of the fact that he is such.

By the House of Representatives in Senate

The Constitution of the United States

In the Year of the Lord

AS SET FORTH IN THE

By the House of Representatives in Senate

The Constitution of the United States