

By Mr. Brewer of Barre, petition of Stephen M. Brewer, Edward B. Teague III and another for legislation to clarify the law relative to the issuance of licenses for firearms. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING THE ISSUANCE OF FIREARMS LICENSES.

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. The first sentence of section 131 of chapter 140
2 of the General Laws is hereby amended by inserting after the
3 words "such person" the following words: — which application
4 shall be in the form prescribed by the commissioner of public
5 safety only.

1 SECTION 2. The first paragraph of section 131 of chapter 140
2 of the General Laws is hereby amended by inserting after the last
3 sentence the following sentence: — As used herein, the term
4 "suitable" shall mean that the applicant does not have a recorded
5 mental health history that would cause a reasonable person to
6 believe that said applicant constituted a danger to himself or to
7 others if authorized to possess or carry firearms.

1 SECTION 3. Section 131 of chapter 140 is amended by
2 striking the second paragraph and replacing it with the following
3 new paragraph: —
4 After such investigation has been completed, said chief, board,
5 officer, commissioner of public safety or anyone authorized by
6 them, respectively, shall, except for an alien whose license to
7 carry firearms may only be issued under the provisions of section
8 one hundred and thirty-one F, a person who has been convicted of
9 a felony or the unlawful use, possession or sale of a narcotic or
10 harmful drug, or a minor under the age of eighteen, issue to a

11 person residing or having a place of business within their respec-
12 tive jurisdiction a license to carry firearms in the commonwealth
13 for all lawful purposes.

1 SECTION 4. The last sentence of the third paragraph of sec-
2 tion 131 of chapter 140 is hereby amended by inserting after the
3 word "form" the following: — and shall not contain questions nor
4 be so designed as to elicit information not reasonably relevant to
5 the requirements for the issuance of a license pursuant to this
6 section.

1 SECTION 5. Section 131 of chapter 140 is hereby amended by
2 striking the seventh paragraph and replacing it with the following
3 new paragraph: —

4 The commissioner of public safety is hereby directed to furnish
5 license forms to all licensing authorities that shall contain blank
6 spaces for such information as is reasonably necessary for proper
7 identification of the licensee.

1 SECTION 6. The fifth sentence of the ninth paragraph of sec-
2 tion 131 of chapter 140 is hereby amended by inserting after the
3 words "said license" the following: — which form shall be
4 accepted for the purposes of this section by any licensing
5 authority.

1 SECTION 7. The ninth paragraph of section 131 of chap-
2 ter 140 is hereby amended by striking the tenth sentence and
3 inserting in place thereof the following new sentence:— All such
4 licenses to carry firearms shall be revocable for cause constituting
5 a prohibition under this section or under any other section of the
6 General Laws only by the authority issuing the same, who shall
7 forthwith send written notice stating the reason that said license is
8 being revoked by hand or any other means necessary to effectuate
9 notification to the licensee and commissioner of public safety.

1 SECTION 8. The tenth paragraph of section 131 of chap-
2 ter 140 is hereby amended by inserting after the first sentence the
3 following sentence: — In the event the issuing authority shall not
4 present conclusive evidence in any such proceeding that the peti-

5 tioner is prohibited from holding a license for any reason stated
6 herein, and in the event that the petitioner presents evidence from
7 any two citizens of his good character, meaning his reputation for
8 truth and veracity in the community in which he lives or works,
9 there shall be a presumption that such person is entitled to such a
10 license. Further, it shall be a presumption that any citizen of the
11 commonwealth not prohibited from holding a license pursuant to
12 this section shall be entitled, once issued such a license, to defend
13 one's self or those whom the license holder has a duty to protect
14 from the threat of imminent, unavoidable great bodily injury or
15 death.

