

By Mr. LeDuc of Marlborough, petition of Stephen P. LeDuc and other members of the House relative to establishing a firearm identification card for pepper spray. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT ESTABLISHING A NEW LICENSE AND FIREARM IDENTIFICATION CARD FOR PEPPER SPRAY.

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. Notwithstanding the provisions of sections 129B
2 and 131 of chapter 140 of the General Laws, any person residing
3 or having a place of business in any city or town may submit to
4 the chief of police or police commissioner in such city or town an
5 application to purchase and possess chemical mace, pepper spray
6 or other similarly propelled liquid, gas or powder designed to tem-
7 porarily incapacitate and the chief of police or police commis-
8 sioner may issue if it appears that the applicant is a suitable
9 person a license to purchase and possess such materials unless the
10 applicant:—

11 (1) has, in any state or federal jurisdiction, been convicted or
12 adjudicated a youthful offender or delinquent child for the com-
13 mission of: (a) a felony; (b) a misdemeanor punishable by impris-
14 onment for more than two years; (c) a violent crime as defined in
15 section 121; (d) a violation of any law regulating the use, posses-
16 sion, ownership, transfer, purchase, sale, lease, rental, receipt or
17 transportation of weapons or ammunition for which a term of
18 imprisonment may be imposed; or (e) a violation of any law regu-
19 lating the use, possession or sale of controlled substances as
20 defined in section 1 of chapter 94C;

21 (2) has been confined to any hospital or institution for mental
22 illness, unless the applicant submits with his application an affi-
23 davit of a registered physician attesting that such physician is

24 familiar with the applicant's mental illness and that in such physi-
25 cian's opinion the applicant is not disabled by such an illness in a
26 manner that should prevent such applicant from possessing a
27 firearm;

28 (3) is or has been under treatment for or confinement for drug
29 addiction or habitual drunkenness, unless such applicant is
30 deemed to be cured of such condition by a licensed physician, and
31 such applicant may make application for such license after the
32 expiration of 5 years from the date of such confinement or treat-
33 ment and upon presentment of an affidavit issued by such physi-
34 cian stating that such physician knows the applicant's history of
35 treatment and that in such physician's opinion the applicant is
36 deemed cured;

37 (4) is at the time of the application less than 21 years of age;

38 (5) is an alien;

39 (6) is currently subject to:

40 (a) an order for suspension or surrender issued pursuant to
41 section 3B or 3C of chapter 209A or a similar order issued by
42 another jurisdiction; or

43 (b) a permanent or temporary protection order issued pursuant
44 to chapter 209A or a similar order issued by another jurisdiction;
45 or

46 (7) is currently the subject of an outstanding arrest warrant in
47 any state or federal jurisdiction.

48 The chief of police or police commissioner shall, within 72
49 hours from the date of application either approve the application
50 and issue the license or deny the application and notify the appli-
51 cant of the reason for such denial in writing.

1 SECTION 2. There shall be no application fee for said license.