

HOUSE No. 3476

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cullinane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to imitation firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>

Daniel J. Ryan
Brian M. Ashe

2nd Suffolk
2nd Hampden

HOUSE No. 3476

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 3476) of Daniel Cullinane and others for legislation to further regulate the sale of imitation firearms in the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to imitation firearms.

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. Section 121 of chapter 140 of the General Laws is hereby amended by
2 striking out the figure “131Q”, inserted by section 19 of chapter 284 of the acts of 2014, and
3 inserting in place thereof the following figure:— 131R.

4 SECTION 2. Said section 121 of said chapter 140 is hereby amended by striking out the
5 definition of “Imitation firearm”, as appearing in the 2012 Official Edition, and inserting in place
6 thereof the following definition:-

7 “Imitation firearm”, any air rifle or hand gun, pellet gun or “B-B” gun or any device or
8 object made of plastic, wood, metal or any other material which substantially duplicates or can
9 reasonably be perceived to be an actual firearm, rifle, shotgun, air rifle or hand gun, pellet gun,
10 or “B-B” gun, unless such air rifle or hand gun, pellet gun, “B-B” gun or device or object: (i) is
11 colored other than black, blue, silver or aluminum; (ii) is marked with a non-removable orange
12 stripe which is at least 1 inch in width and runs the entire length of the barrel on each side and

13 the front end of the barrel; and (iii) has a barrel at least 1 inch in diameter that is closed for a
14 distance of not less than one-half inch from the front-end of its barrel with the same material of
15 which the imitation firearm is made. "Imitation firearm" does not include any non-firing replica
16 of an antique firearm, the original of which was designed, manufactured and produced prior to
17 1898.

18 SECTION 3. Said chapter 140 is hereby amended by inserting after section 131Q,
19 inserted by section 70 of chapter 284 of the acts of 2014, the following section:-

20 Section 131R. (a) No person shall import, manufacture, sell, hold for sale or distribute
21 within the state any imitation firearm unless such device is imported, manufactured, sold, held
22 for sale and distributed: (i) solely for subsequent transportation in interstate commerce; or (ii)
23 solely for lawful use in a theatrical production, including a motion picture, television or stage
24 production.

25 (b) A violation of subsection (a) shall constitute an unfair or deceptive trade act or
26 practice under section 2 of chapter 93A.

27 (c) A law enforcement officer may confiscate any imitation firearm from a person in
28 possession thereof unless the person is possessing the imitation firearm:(i) solely for subsequent
29 transportation in interstate commerce; or (ii) solely for lawful use in a theatrical production,
30 including a motion picture, television or stage production.