

HOUSE No. 2359

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky and Tommy Vitolo

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 to prohibit carrying firearms in sensitive places.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/19/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/19/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/30/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/2/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/6/2023</i>

HOUSE No. 2359

By Representatives Linsky of Natick and Vitolo of Brookline, a petition (accompanied by bill, House, No. 2359) of David Paul Linsky, Tommy Vitolo and others for legislation to prohibit carrying firearms in certain sensitive places. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to prohibit carrying firearms in sensitive places.

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 10 of Chapter 269 is hereby amended by inserting paragraph (p) after the word
2 “shotgun” in line 250 “(p)Criminal possession of a firearm, rifle or shotgun in a sensitive
3 location.

4 1. Any person who knowingly possesses a firearm, rifle or shotgun in a sensitive location
5 and who is not otherwise prohibited in subsection 3 of this section, shall be punished by not more
6 than two and one-half years in the House of Correction or a fine of not more than \$10,000 or
7 both. It shall be a defense to an indictment or complaint made pursuant to this section that the
8 defendant left the premises or removed the firearm from the premises promptly upon discovering
9 or being informed that firearms were prohibited.

10 2. For the purposes of this section, a sensitive location shall mean:

11 a. Any place owned or under the control of federal, state, county, municipal or local
12 government, for the purpose of government administration, including courts;

- 13 b. Any location providing health, behavioral health, or chemical dependence care or
14 services;
- 15 c. Any place of worship or religious observation;
- 16 d. Libraries, public playgrounds, public parks, and zoos;
- 17 e. The location of any program licensed to provide services to children, youth, or young
18 adults;
- 19 f. Nursery schools, preschools and summer camps;
- 20 g. The location of any program licensed to provide services for people with
21 developmental disabilities;
- 22 h. The location of any program that provides services for addiction;
- 23 i. The location of any program that provides services for mental health
- 24 j. Homeless shelters, runaway homeless youth shelters, family shelters, shelters for
25 adults, domestic violence shelters, and emergency shelters, and residential programs for victims
26 of domestic violence;
- 27 k. In or upon any building or grounds, owned or leased, of any educational institutions,
28 colleges and universities, licensed private career schools, school districts, public schools, private
29 schools, charter schools, non-public schools, board of cooperative educational services,
30 preschool special education programs, private residential or non-residential schools for the
31 education of students with disabilities, and any state-operated or state-supported schools;

32 l. Any place, conveyance, or vehicle used for public transportation or public transit,
33 subway cars, trains cars, buses, ferries, railroad, omnibus, marine or aviation transportation or
34 any facility used for or in connection with service in the transportation of passengers, airports,
35 train station, subway and rail stations, and bus terminals;

36 m. Any establishment issued a license for on-premise consumption of alcoholic
37 beverages where alcohol is consumed and any establishment licensed for on-premise
38 consumption;

39 n. Any place used for performance, art, entertainment, gaming, or sporting events such as
40 theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts,
41 exhibits, conference centers, banquet halls, gaming facilities, and video lottery terminal facilities
42 as licensed by the gaming commission;

43 o. Any location being used as an active polling place

44 p. Any public sidewalk or other public area restricted from general public access for a
45 limited time or special event that has been issued a permit for such time or event by a
46 governmental entity, or subject to specific, heightened law enforcement protection, or has
47 otherwise had such access restricted by a governmental entity, or subject to specific, heightened
48 law enforcement protection, or has otherwise has such access restricted by a government entity,
49 provided such location is identified as such by clear and conspicuous signage;

50 q. Shopping malls or any parcel of land zoned and used for retail sales by more than one
51 retailer that is jointly operated, or which includes shared parking facilities

52 3. This section shall not apply to:

- 53 a. Consistent with federal law, law enforcement who qualify to carry under the federal
54 law enforcement officers safety act, 18 U.S.C. 926C;
- 55 b. Persons who are police officers and are on duty
- 56 c. Security guards while at the location of their employment and during their work hours
57 as such a security guard;
- 58 d. Active-duty military personnel;
- 59 e. A government employee under the express written consent of such employee's
60 supervising government entity for the purposes of natural resource protection and management;
- 61 f. Securely transporting a firearm, rifle or shotgun within a sensitive location for the
62 purpose of lawful transportation
- 63 g. Persons operating a program in a sensitive location, as defined by this section, which is
64 licensed, certified, authorized or funded by state municipality, so long as possession is in
65 compliance with any rules or regulations applicable to the operation of such program and use or
66 storage of firearms, rifle or shotgun.