

Gun Owners' Action League

H.4139 – Prohibited Areas

Any person who is in possession of a "Firearm", loaded or unloaded, in a prohibited area shall be punished by a fine of not more than \$1,000 or by imprisonment in the house of correction for not more than 2 ½ years, or both such fine and imprisonment.

Exemptions:

1. Has been given express authorization to carry a firearm by the property owner or lessee, or an agent.

"Express Authorization":

- Shall be signified by unambiguous written or verbal authorization;
 - Or by the posting of clear and conspicuous signage on the building or the premises by the property owner or lessee, or an agent thereof, indicating that possession of a firearm is authorized.
2. Exempt if the licensed firearm is stored in a vehicle, meeting safe storage requirements, while within the prohibited area. It appears that the firearm would have to be properly stored prior to entering the property including parking areas.
 3. Law Enforcement is only exempt while off duty but can only carry their service gun if it is not a large capacity firearm.
 4. Any state-owned public land available to the public for hunting shall not be a "prohibited area".
 - The term "owned" is problematic as there is a lot of land managed by the state that is open to hunting that the state does not actually own. A lot of this is done through things like conservation restrictions.

"Firearm", a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm

"Prohibited Area",

- A place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration, judicial or court administrative proceedings, or correctional services, including in or upon any part of the buildings,

- grounds, or parking areas thereof; provided, however, that any state-owned public land available to the public for hunting shall not be a "prohibited area";
- A location in use at the time of possession as a polling place or for the storage or tabulation of ballots;
 - An elementary school, secondary school, college or university including transport used for students of said institution, including in or upon any part of the buildings, grounds, or parking areas thereof;
 - Any private, residential dwelling of another, not held open to the public, unless the person in possession of the firearm:
 - Has a valid firearms license or permit; and
 - Has been given express authorization to carry a firearm in said dwelling by the property owner or lessee, or an agent thereof; provided, that express authorization was given or posted.

A law enforcement officer may arrest without a warrant and detain a person that is in a prohibited area, while in possession of a firearm, without permission.