

SENATE No. 933

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Díaz

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 passage of the accompanying bill:

An Act Regarding the Prevention of Illegal Trafficking and Gun Violence Among Youth in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sonia Chang-Díaz	Second Suffolk
David P. Linsky	5th Middlesex
Denise Provost	27th Middlesex
Steven A. Tolman	Second Suffolk and Middlesex
Thomas M. McGee	Third Essex and Middlesex
Kay Khan	11th Middlesex
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING THE PREVENTION OF ILLEGAL TRAFFICKING AND GUN VIOLENCE AMONG YOUTH IN THE COMMONWEALTH.

*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 executive department of public safety shall adopt regulations for the
2 criminal history systems board within said department to establish an electronic data base
3 consistent with the provisions of section 128 A½ of chapter 140 of the General Laws.

4 SECTION 2. The secretary of public safety shall study the development of an Interstate
5 Commission to establish an interstate compact to promote uniform procedures to combat illegal
6 gun trafficking between states. The report of such study and recommended legislation for the
7 establishment thereof shall be filed with the joint committee on public safety not later than
8 December 31, 2009.

9 SECTION 3. The secretary of public safety shall require that persons issued licenses under
10 section 122 or section 122B of chapter 140 of the General Laws be required to install and
11 maintain security systems to keep secure firearms and other weapons and ammunition kept in
12 connection with the operation of such licenses. Said study may include draft regulations for

minimum security standards. The report of such study and recommended regulations shall be filed with the joint committee on public safety not later than December 31, 2009.

SECTION 4. The secretary of public safety shall organize and implement a public awareness campaign to educate the public relative to illegal firearms possession, carrying and trafficking and the requirement to register firearms.

SECTION 5. Chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 172I the following section:-

Section 172J. Notwithstanding section 172, or any other general or special law to the contrary, persons licensed pursuant to sections 122 or 122B of chapter 140 shall obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board within the executive office of public safety of all employees and volunteers prior to employment or volunteer service. Information obtained under this section shall not be disseminated for any purpose other than to further the protection of the public.

SECTION 6 The first paragraph of section 123 of said chapter 140, as so appearing, is hereby amended by adding the following clause:-

Twenty-two, That no licensee shall employ or accept as a volunteer any person in connection with the operation of a license issued under section 122 who has been convicted or adjudicated as youthful offender for the commission of any felony or adjudicated a delinquent child by reason of the commission of any offense that is a felony if committed by an adult.

SECTION 7. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word “device.”, in line 247, the following words:- No person licensed under section 122 or section 122B shall sell or otherwise transfer to any person more

36 than 15 firearms during any 1 year period, except by devise or trust. Sales or transfers that occur
37 at any time during such year, whether the sales or transfers amount to more than 15 in the course
38 of a single transaction or amount to more than 15 sales or transfers in the aggregate during the
39 course of a year, shall constitute a violation of this section.

40 SECTION 8. Said section 128A of said chapter 140, as so appearing, is hereby further amended
41 by inserting after the word “director”, in line 28, the following words:- , or the licensing
42 authority.

43 SECTION 9. Said chapter 140, is hereby further amended by inserting after section 128A the
44 following section:-

45 Section 128A½. The criminal history systems board within the executive office of public safety,
46 in consultation with the department of state police within the executive office of public safety
47 shall establish and maintain an electronic database of all reports received pursuant to section
48 128A and section 131Q shall make the information contained therein available to municipal,
49 state and federal law enforcement agencies.

50 SECTION 10. Section 128B of said chapter 140, as so appearing, is hereby amended by
51 inserting after the word “receives”, in line 8, the following words:- or keeps for any period of
52 time.

53 SECTION 11. Said section 128B of said chapter 140, as so appearing, is hereby further
54 amended by inserting after the word “board”, in line 12, the following words:- or the licensing
55 authority.

SECTION 12. Said section 128B of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words “Whoever violates any provision of this section” and inserting in place thereof the following words:- Whoever, being unauthorized to make such sale or transfer or whoever sells or makes such transfer to a person unauthorized to receive such a weapon in violation of this section or section 128A shall be punished by imprisonment for not less than 2 ½ years in the house of correction or not more than imprisonment for 5 years in state prison. Whoever fails to make such report with the licensing authority and the criminal history systems board within the executive office of public safety, within 7 days of such sale or transfer,.

SECTION 13. Said chapter 140 is hereby further amended by inserting after section 128B the following section:-

Section 128C. Whoever not being licensed under section 122 and who purchases or otherwise accepts and keeps within the commonwealth for any period of time more than 15 firearms during any 1 year period shall be punished by not more than 5 years in state prison and the licensing authority shall suspend any license or identification card issued under this chapter to such person for a period not to exceed 3 years. This section shall not apply to firearms bequeathed through trust or devise.

SECTION 14. Chapter 140 of the General Laws is hereby amended by inserting after section 129C the following section:-

Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or devise, may sell, transfer or deliver such weapon to a licensed dealer or to another if the transferee is legally permitted to purchase or take possession of such weapon or, within 180 days of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant firearms identification card or license to carry. Whoever violates this section shall be punished by a fine of not less than \$1,000 nor more than \$10,000.

SECTION 15. Said chapter 140 of the General Laws, is hereby further amended by inserting after 131P the following section:-

Section 131Q. Any person: (1) who is licensed under section 122, section 122B or under section 131 or to whom is issued a firearms identification card or who has received a rifle, shotgun or firearm by trust or devise; and (2) who fails to report that a rifle, shotgun or firearm owned, possessed or under such person's control is lost or has been stolen, and such person knows that the weapon is either lost or stolen, to the licensing authority or the executive director to the criminal history systems board within the executive office of public safety, shall be punished by imprisonment in the house of correction for not more than 2 ½ years and a fine of not less than \$1,000 nor more than \$5,000.

SECTION 16. Chapter 265 of the General Laws is hereby amended by inserting after section 18C the following section:-

Section 18D. Whoever, by means of discharging a rifle, shotgun, firearm, large capacity weapon, machine gun or sawed-off shotgun, assaults another shall be punished by imprisonment in the state prison for not more than 5 years.

SECTION 17. Subsection (a) of section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "(1) being present in or on his residence or place of business; or".

SECTION 18. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after the words "ninety-four C", in line 17, the following words:-, an offense of possession or carrying a firearm, large capacity weapon, machine gun or sawed-off

102 shotgun or any assault or any assault and battery by means of a firearm, large capacity weapon,
103 machine gun or sawed-off shotgun.

104 SECTION 19. Notwithstanding section 172, or any other general or special law to the contrary,
105 within 6 months of the effective date of this act persons licensed pursuant to sections 122 of
106 chapter 140 shall obtain all available criminal offender record information and juvenile data as
107 found in the court activity record information from the criminal history systems board within the
108 executive office of public safety of all current employees hired before the effective date of this
109 act. Information obtained under this section shall not be disseminated for any purpose other than
110 to further the protection of the public.

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