

SENATE No. 01202

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relative to preventing illegal trafficking of firearms

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

SENATE No. 01202

By Ms. Creem, petition (accompanied by bill, Senate, No. 1202) of Creem, Khan, Balsler and other members of the General Court for legislation to prevent illegal trafficking of firearms [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. 938 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to preventing illegal trafficking of 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. Subclause (j) of clause twenty-sixth of section 7 of chapter 4 of the
2 General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the
3 word “cards”, in line 178, the following words: - , but such names and addresses shall be made
4 available to law enforcement or other investigative officials, including district attorneys, assistant
5 district attorneys, the attorney general and assistant attorneys general for purposes of enforcing
6 subsection (c) of section 131E of chapter 140.

7 SECTION 2. Subsection (d) of section 10 of chapter 66 of the General Laws, as s o
8 appearing, is hereby amended by inserting after the word “six”, in line 60, the following words: -

9 , including, but not limited to, such agencies enforcing subsection (c) of section 131E of chapter
10 140.

11 SECTION 3. Section 123 of chapter 140 of the General Laws, as so appearing, is
12 hereby amended by striking the striking the words “forthwith at” in the section beginning with
13 “Fifth,” and replacing it with the words: - within thirty minutes of.

14 SECTION 4. Section 123 of chapter 140 of the General Laws, as so appearing, is
15 hereby amended by inserting after the word “condition.”, in line 229, the following sentences: -
16 Twenty-second, That no licensee shall sell, rent or lease a firearm or large capacity weapon
17 without first: (i) obtaining a signed declaration from the purchaser, renter or lessee, on a form
18 furnished by the executive director of the criminal history systems board, that such individual
19 has not purchased, rented or leased, as those terms are used in section 121 and subsection (c) of
20 section 131E of this chapter, any firearm or large capacity weapon during the previous 30 days,
21 or that such individual is an exempt person as set forth under subsection (c) of section 131E of
22 this chapter; (ii) forwarding such declaration to the executive director of the criminal history
23 systems board; and (iii) receiving notification from the criminal history systems board that the
24 purchaser, renter or lessee has not purchased, rented or leased any firearm or large capacity
25 weapon during the previous 30 days, or that such individual is an exempt person as set forth
26 under subsection (c) of section 131E of this chapter. Such notification from the criminal history
27 systems board shall be valid for no more than two business days after the criminal history
28 systems board issues the notification, after which time the licensee must receive a new
29 notification before completing a sale, rental or lease of a firearm or large capacity weapon to
30 such purchaser, renter or lessee. Such declaration from the purchaser, renter or lessee shall not
31 be a defense in any action brought against a licensee.

32 SECTION 5. Section 128 of said chapter 140 of the General Laws, as so appearing, is
33 hereby amended by replacing “or” after the word “twentieth” with “,” and inserting after the
34 word “twenty-first”, the words: - or twenty-second.

35 SECTION 6. Section 128A of said chapter 140 of the General Laws, as so appearing,
36 is hereby amended by striking, “reports within seven days, in writing to the executive director of
37 the criminal history systems board on forms furnished by said executive director, the names and
38 addresses of the seller and the purchaser of any such large capacity feeding device, firearm, rifle
39 or shotgun, together with a complete description of the firearm, rifle or shot gun, including its
40 designation as a large capacity weapon, if applicable, the calibre, make and serial number and the
41 purchaser’s license to carry firearms number, permit to purchase number and identifying number
42 of such documentation as is used to establish exempt person status in the case of a firearm or the
43 purchaser's license to carry number or firearm identification card number or said document
44 identity number, in the case of a rifle or shotgun,” and inserting: - “shall complete all sales,
45 rentals and leases of firearms, rifles, shotguns, and large capacity feeding devices through a
46 person licensed pursuant to section 122 by delivering the firearm, rifle, shotgun, or large capacity
47 feeding device to the licensee who shall then deliver the firearm, rifle , shotgun, or large capacity
48 feeding device to the purchaser, renter or lessee, if the sale, rental, or lease is not prohibited, in
49 accordance with section 123 of this chapter as if the licensee was selling, renting or leasing the
50 firearm, rifle, shotgun, or large capacity feeding device directly to the purchaser, renter or lessee.
51 The dealer may require the purchaser, renter or lessee to pay a fee not to exceed ten dollars (\$10)
52 per firearm, rifle, shotgun, or large capacity feeding device.”

53 SECTION 7. Paragraph (1) of section 129B of said chapter 140, as so appearing, is
54 hereby amended by adding the following clause: -

55 (x) has been convicted of a violation of subsection (c) of section 131E of this chapter.

56 SECTION 8. Paragraph (d) of section 131 of said chapter 140, as so appearing, is
57 hereby amended by the following subparagraph: -

58 (viii) has been convicted of a violation of subsection (c) of section 131E of this
59 chapter.

60 SECTION 9. Section 131A of said chapter 140 of the General Laws, as so appearing,
61 is hereby amended by inserting after the words “proper purpose”, in line 5, the following words:
62 - and does not violate the firearm or large capacity weapon purchase, rental or lease limitation in
63 subsection (c) of section 131E of this chapter.

64 SECTION 10. Section 131E of said chapter 140 of the General Laws, as so appearing,
65 is hereby amended by adding the following subsection: -

66 (c) no person, other than an exempt person hereinafter described, shall
67 purchase, rent or lease more than one firearm or large capacity weapon in any 30 day period. The
68 term “rent or lease” as used herein shall not apply to the rental or lease of a firearm or large
69 capacity weapon for a duration of less than 48 hours, provided, however that such firearm is
70 rented or leased from a licensee who is licensed under the provisions of section 122 and subject
71 to the conditions described in section 123.

72 The provisions of this subsection shall not apply to the following persons and uses:

73 (1) Any law enforcement agency or authority;

74 (2) Any branch of the United States military, including the
75 national guard;

76 (3) Any persons in any branch of the United State s military or
77 police officers and other peace officers who are acquiring firearms for the purposes of
78 performing their official duties or when duly authorized by their employer to purchase them;

79 (4) Any licensed watch, guard or patrol agency or their licensed
80 employees in the course of their employment under sections 22 and 25 of chapter 147;

81 (5) Any person who has been certified as a licensed collector by
82 the criminal history systems board;

83 (6) A federal, state or local historical society, museum or
84 institutional collector open to the public;

85 (7) Any exchange of a firearm or large capacity weapon for
86 another firearm or large capacity weapon purchased, rented or leased from the licensed dealer by
87 the same person seeking the exchange within 30 days immediately before the exchange;

88 (8) A firearms surrender program authorized by and in
89 compliance with section 131O of this chapter.

90 A non-exempt person who purchases, rents or leases more than one firearm or large
91 capacity weapon in an y 30 day period shall be punished, for a first offense, by a fine of not more
92 than \$1,000, or by imprisonment for not more than six months, or by both such tine and
93 imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$
94 1,000 and not more than \$5,000, or by imprisonment for not more than two and one-half years,
95 or by both such fine and imprisonment. The punishments under this subsection shall be separate

96 from the procedures established for the denial, revocation or suspension of firearm identification
97 cards, licenses and permits provided under this chapter.

98 Any person or licensee who sells, rents or leases a firearm or large capacity weapon to
99 a non-exempt person under this section, with knowledge or reason to know that the person has
100 purchased, rented or leased a firearm or large capacity weapon within the previous thirty days
101 shall be punished, for a first offense, by a fine of not more than \$5,000 or by imprisonment of not
102 more than two and one-half years, or by both such fine and imprisonment; and for any
103 subsequent offense shall be punished by a fine of not less than \$1,000 and not more than \$10,000
104 or by imprisonment for not more than five years, or by both such fine and imprisonment. These
105 punishments shall be separate from the procedures established for the denial, revocation or
106 suspension of firearm identification cards, licenses and permits provided under this chapter.