

HOUSE No. 02838

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 to prevent bulk purchasing and illegal trafficking of firearms

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

HOUSE No. 02838

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 2838) of Fox and others for legislation to prevent the illegal trafficking of firearms Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1516 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to prevent bulk purchasing and 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 General Laws
2 is hereby amended by inserting after the word “cards”, in line 178, the following words: - , but
3 such names and addresses shall be made available to law enforcement or other investigative
4 officials, including district attorneys, assistant district attorneys, the attorney general and
5 assistant attorneys general for purposes of enforcing subsection (c) of section 131E of chapter
6 140.

7 SECTION 2. Subsection (d) of section 10 of chapter 66 of the General Laws, as so appearing, is
8 hereby amended by inserting after the word “six”, in line 60, the following words: - , including,
9 but not limited to, such agencies enforcing subsection (c) of section 131E of chapter 140.

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

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

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

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

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

54 (viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to section
55 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a permanent or
56 temporary protection order issued pursuant to chapter 209A or a similar order issued by another
57 jurisdiction;

58 (ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;
59 or

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

61 SECTION 8. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby
62 amended by the following three subparagraphs: -

63 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section
64 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or
65 temporary protection order issued pursuant to chapter 209A or a similar order issued by another
66 jurisdiction;

67 (vii) is currently the subject of an outstanding arrest warrant in any state or federal
68 jurisdiction; or

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

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

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

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

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

83 (1) Any law enforcement agency or authority;

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

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

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

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

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

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

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

99 A non-exempt person who purchases, rents or leases more than one firearm or large capacity
100 weapon in any 30 day period shall be punished, for a first offense, by a fine of not more than
101 \$1,000, or by imprisonment for not more than six months, or by both such fine and
102 imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$1,000
103 and not more than \$5,000, or by imprisonment for not more than two and one-half years, or by
104 both such fine and imprisonment. The punishments under this subsection shall be separate from
105 the procedures established for the denial, revocation or suspension of firearm identification
106 cards, licenses and permits provided under this chapter.

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