

SENATE No. 2265

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

SENATE, July 14, 2014

The committee on Ways and Means, to whom was referred the House Bill relative to the reduction of gun violence (House, No. 4285);- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2265.

For the committee,
Stephen M. Brewer

SENATE No. 2265

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1 SECTION 1. Section 167A of chapter 6 of the General Laws, amended by section 1 of
2 chapter 77 of the acts of 2013, is hereby amended by adding the following subsection:-

3 (h) Notwithstanding any general or special law, to the contrary, the department shall transmit
4 to the attorney general of the United States any information in its control required or permitted
5 under federal law to be included in the National Instant Criminal Background Check System or
6 any successor system maintained to conduct background checks for firearms sales or licensing.
7 No more information than is necessary for the purposes stated above shall be transmitted and
8 such information shall not be considered a public record under clause Twenty-sixth of section 7
9 of chapter 4 and section 10 of chapter 66.

10 SECTION 2. Subsection (a) of section 172 of said chapter 6, as appearing in the 2012
11 Official Edition, is hereby amended by adding the following clause:-

12 (31) A person licensed pursuant to section 122 of chapter 140 may obtain from the
13 department data permitted under section 172L.

14 SECTION 3. Said chapter 6 is hereby further amended by inserting after section 172K
15 the following section:-

16 Section 172L. Notwithstanding section 172 or any other general or special law to the
17 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the
18 department all available criminal offender record information prior to accepting a person as an
19 employee to determine the suitability of such employee who may have direct and unmonitored
20 contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section
21 shall not disseminate such information for any purpose other than the further protection of public
22 safety.

23 SECTION 4. Section 18 $\frac{3}{4}$ of chapter 6A of the General Laws, as appearing in the 2012
24 Official Edition, is hereby amended by adding the following clause:-

25 (10) to develop a biennial report to be sent to the clerks of the house of representatives and
26 senate, the house and senate committees on ways and means and the house and senate chairs of
27 the joint committee on public safety and homeland security not later than March 1 of every even-
28 numbered year. The report shall contain, but not be limited to, the following information: (i)
29 statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses, to
30 serve as an examination of the effectiveness of the commonwealth's firearms-related regulations;
31 and (iii) an explanation of substantial changes in state and federal firearms-related laws and
32 firearms-related statistics in the commonwealth.

33 SECTION 5. Section 6 of chapter 22C of the General Laws, as so appearing, is hereby
34 amended by adding the following paragraph:-

35 Subject to appropriation, the commonwealth fusion center shall assist the offices of the
36 attorney general and district attorneys in the investigation and prosecution of state firearm
37 crimes; provided, however, that the colonel may establish within the division a special unit

38 known as the criminal firearms and trafficking unit to assist the offices of the attorney general
39 and district attorneys in the investigation and prosecution of state firearm crimes.

40 SECTION 6. Subsection (a) of section 8A of chapter 69 of the General Laws, as so
41 appearing, is hereby amended by striking out the third paragraph and inserting in place thereof
42 the following paragraph:-

43 Plans shall be developed in consultation with the school principal, school nurse, school
44 athletic director, team physicians, coaches, trainers and local police, fire and emergency
45 personnel, as appropriate. Schools shall practice the response sequence at the beginning of each
46 school year and periodically throughout the year and evaluate and modify the plan as necessary.
47 School officials shall review the response sequence with local fire and police officials at least 1
48 time each year and shall conduct periodic walk-throughs of school campuses. Plans shall be
49 submitted once every 3 years to the department of elementary and secondary education, the local
50 police department and the local fire department not later than September 1. Plans shall be
51 updated in the event of new construction or physical changes to the school campus as determined
52 by the local police department.

53 SECTION 7. Section 3A of chapter 70B of the General Laws, as so appearing, is hereby
54 amended by striking out subsection (a) and inserting in place thereof the following paragraph:-

55 There shall be a school building advisory board comprised of: the state auditor or a
56 designee; the inspector general or a designee; the superintendent of the state police or a designee;
57 the state fire marshal or a designee; the director of the Massachusetts emergency management
58 agency; the executive director of the authority, who shall serve as the secretary to the advisory
59 board and shall be a nonvoting member of the board; and 17 members to be appointed by and

60 represent the following nongovernmental organizations: Massachusetts Municipal Association,
61 Inc., Massachusetts Association of School Committees, Inc., the Massachusetts Mayors
62 Association, Inc., Massachusetts Association of School Superintendents, Inc., Massachusetts
63 Association of Regional Schools, Inc., Massachusetts Building Trades Council, the
64 Massachusetts chapter of Associated Builders & Contractors, Inc., Massachusetts Alliance for
65 Small Contractors, American Council of Engineering Companies of Massachusetts, Associated
66 Subcontractors of Massachusetts, Inc., American Institute of Architects-Massachusetts,
67 Massachusetts Smart Growth Alliance, Massachusetts Taxpayers Foundation, Inc., Associated
68 General Contractors of Massachusetts, Inc., Massachusetts Chiefs of Police Association
69 Incorporated, Fire Chiefs' Association of Massachusetts, Inc. and acting jointly, the
70 Massachusetts Teachers Association and Massachusetts Federation of Teachers. The advisory
71 board shall assist the authority in the development of general policy regarding school building
72 construction, renovation, reconstruction, maintenance and facility space, preservation of open
73 space and minimization of loss of open space, thoughtful community development, cost
74 management, adequate provisions for safety and security and shall provide technical advice and
75 input to the authority. The advisory board shall meet at least quarterly.

76 SECTION 8. Section 14 of said chapter 70B, as so appearing, is hereby amended by
77 inserting after the word "equipment"," in line 5, the following words:- , including upgrades
78 necessary for enhanced safety and security.

79 SECTION 9. Said chapter 70B of the General Laws is hereby further amended by adding
80 following section:-

81 Section 20. The authority shall, in cooperation with a school district or municipality,
82 submit plans or blueprints approved by the authority, associated with approved construction,
83 renovation or reconstruction of a school building, to the local police department, fire department,
84 Massachusetts emergency management agency and any regional law enforcement entity. The
85 plans shall identify points of entry into a school building, emergency access routes for ingress or
86 egress and other public safety features, including, but not limited to: fire hydrants, utility access
87 points and stairwells. Any department in receipt of such plans shall maintain a copy of the plans
88 on file and may submit comments to the authority and school district. Plans submitted pursuant
89 to this section shall be deemed confidential and shall not be considered public records under
90 clause Twenty-sixth of section 7 of chapter 4.

91 SECTION 10. Chapter 71 of the General Laws is hereby amended by inserting after
92 section 37O the following 3 sections:-

93 Section 37P. (a) As used in this section the following words shall have the following
94 meanings, unless the context clearly requires otherwise:-

95 “Chief of police”, the chief of police or the board or officer having control of the police
96 in a city or town.

97 “School resource officer”, a duly sworn municipal police officer with all necessary
98 training, up-to-date certificates or a special officer appointed by the chief of police charged with
99 providing law enforcement and security services to elementary and secondary public schools.
100 For the purpose of this section a school resource officer shall be exempt from subsection (j) of
101 section 10 of chapter 269, while serving in the officer’s official capacity.

102 (b) . Every chief of police, in consultation with the superintendent and subject to
103 appropriation, shall assign at least 1 school resource officer to serve the city, town, regional
104 school district or county agricultural school. In the case of a regional school district or county
105 agriculture school, the chief of police of the city or town where the school is located, in
106 consultation with the superintendent, shall assign the school resource officer.

107 In assigning a school resource officer, the chief of police shall consider candidates that
108 the chief believes would strive to foster an optimal learning environment and educational
109 community. The assignment shall not be based solely on seniority. The performance of school
110 resource officers shall be reviewed annually by the superintendent and the chief of police. There
111 shall be placed on file in the office of the superintendent and the chief of police a memorandum
112 of understanding clearly defining the role and duties of the school resource officer.

113 (c) Upon written application by a school department, in consultation with the chief of
114 police, of a city or town, a regional school district or a county agricultural school, the secretary
115 of elementary and secondary education may waive the requirements of this section if the
116 secretary believes a school resource officer would not assist that particular city or town, regional
117 school district or county agricultural school to ensure school safety.

118 (d) The department of elementary and secondary education shall promulgate rules or
119 regulations necessary to carry out this section.

120 Section 37Q. (a) As used in this section the following words shall have the following
121 meanings, unless the context clearly requires otherwise:-

122 “Approved private day or residential school”, a school that accepts, through agreement
123 with a school committee, a child requiring special education pursuant to section 10 of chapter
124 71B.

125 “Charter school”, commonwealth charter schools and Horace Mann charter schools
126 established pursuant to section 89.

127 “Collaborative school”, a school operated by an educational collaborative established
128 pursuant to section 4E of chapter 40.

129 “Plan”, a mental health support plan established pursuant to subsection (b).

130 “School district”, the school department of a city or town, a regional school district or a
131 county agricultural school.

132 (b) Each school district, charter school, approved private day or residential school and
133 collaborative school shall develop and adhere to a plan to address the general mental health
134 needs of its students, including the students’ families, teachers and school administrators. Each
135 plan shall also address the potential need for emergency and acute treatment for students,
136 including the students’ families, teachers and school administrators, as a result of a tragedy or
137 crisis within the district or school. Before September 1 of each year, each school district, charter
138 school, approved private day or residential school and collaborative school shall review and
139 update its plan to achieve best practices.

140 (c) The department of elementary and secondary education shall promulgate rules or
141 regulations necessary to carry out this section.

142 Section 37R. (a) As used in this section the following words shall have the following
143 meanings, unless the context clearly requires otherwise:-

144 “School”, a school administered by a school department of a city or town or regional
145 school district, a county agricultural school, a commonwealth charter school or Horace Mann
146 charter school established pursuant to section 89 or an educational collaborative established
147 pursuant to section 4E of chapter 40.

148 “Two-way communication device”, a device capable of transmitting, conveying or
149 routing real-time, 2-way voice communications through radio frequency.

150 (b) Every school shall, subject to appropriation, possess and have access to a two-way
151 communication device to be used solely for communicating with police and fire departments of
152 the city or town where the school is located during an emergency situation.

153 SECTION 11. Said chapter 71 is hereby further amended by adding the following
154 section:-

155 Section 95. (a) The department shall adopt rules to require that all public school districts
156 provide at least 2 hours of suicide awareness and prevention training every 3 years to all school
157 personnel. A new hire shall obtain the training within 90 days of being hired. The training shall
158 be provided within the framework of existing in-service training programs offered by the
159 department or as part of required professional development activities.

160 (b) The department shall, in consultation with the department of public health and suicide
161 prevention experts, develop a list of approved training materials to fulfill the requirements of this
162 section. Approved materials shall include training on how to identify appropriate mental health

163 services, both within the school and the larger community, and when and how to refer students
164 and their families to those services.

165 (c) No person shall have a cause of action for loss or damage caused by an act or
166 omission resulting from the implementation of this section or resulting from the training or lack
167 of training required by this section.

168 (d) The training or lack of training required by this section shall not be construed to
169 impose a specific duty of care.

170 SECTION 12. Chapter 111 of the General Laws is hereby amended by adding the
171 following section:-

172 Section 232. The department of public health shall, subject to appropriation, collect,
173 record and analyze data on all suicides in the commonwealth. Data collected for each incident
174 shall include, to the extent possible and with respect to all applicable privacy protection laws, the
175 following: (i) the means of the suicide; (ii) the source of the means of the suicide; (iii) the length
176 of time between purchase of the means and the death of the decedent; (iv) the relationship of the
177 owner of the means to the decedent; (v) whether the means was legally obtained and owned
178 pursuant to the laws of the commonwealth; (vi) a record of past suicide attempts by the decedent;
179 and (vii) a record of past mental health treatment of the decedent. Names, addresses or other
180 identifying factors shall not be included.

181 The department shall annually submit a report, which shall include aggregate data
182 collected for the preceding calendar year and the department's analysis, with the clerks of the
183 house of representatives and the senate and the executive office of public safety and security not
184 later than December 31.

185 The commissioner shall work in conjunction with the offices and agencies in custody of
186 the data listed in this section to facilitate collection of the data and to ensure that data sharing
187 mechanisms are in compliance with all applicable laws relating to privacy protection.

188 Data collected and held by the department to complete the report pursuant to this section
189 shall not be subject to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4.

190 SECTION 13. Chapter 112 of the General Laws is hereby amended by inserting after
191 section 5M the following section:-

192 Section 5N. The board of registration in medicine established pursuant to section 5B
193 shall, in collaboration with experts in violence and injury prevention, and in coordination with
194 relevant training accreditation bodies, develop or provide for, and make available for voluntary
195 participation by a physician, a professional development training module on suicide prevention
196 through reduction of access to lethal means. The goal of the training module shall be to
197 encourage physicians to speak with their patients and patients' families about the risk posed by
198 access to lethal means in the home and to increase a physician's ability and comfort in having
199 such discussions with patients and families in a legally, ethically and medically appropriate
200 manner. The training module shall include information on:

201 (i) rates of attempted and completed suicides, including demographics, trends in mental
202 health histories of suicide victims and trends in rates of reattempts by survivors;

203 (ii) the impact of lethal means reduction in reducing rates of completed suicides and on
204 best practices, separate and distinct from behavioral health treatment, that may impact suicide
205 rates through the reduction of environmental safety risks;

206 (iii) the role of firearms, including firearms ownership and access to household firearms,
207 in impacting rates of attempted and completed suicides;

208 (iv) strategies for discussions with patients, the patient's family or legal guardians
209 concerning safety assessments and securing or removing firearms and other lethal means of
210 suicide from the home during high risk periods; and

211 (v) other appropriate and relevant information, as determined by the board, for the
212 purpose of the training.

213 The training module developed shall be accepted by the board as up to 2 continuing professional
214 development credits.

215 SECTION 14. Section 35 of chapter 123 of the General Laws, as appearing in the 2012
216 Official Edition, is hereby amended by adding the following 4 paragraphs:-

217 The court, in its order, shall specify whether such commitment is based upon a finding
218 that the person is a person with an alcohol use disorder, substance use disorder, or both. The
219 court, upon ordering the commitment of a person found to be a person with an alcohol use
220 disorder or substance use disorder pursuant to this section, shall transmit the person's name and
221 nonclinical identifying information, including the person's social security number and date of
222 birth, to the department of criminal justice information services. The court shall notify the person
223 that such person is prohibited from being issued a firearm identification card pursuant to section
224 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140
225 unless a petition for relief pursuant to this section is subsequently granted.

226 After 5 years from the date of commitment, a person found to be a person with an alcohol
227 use disorder or substance use disorder and committed pursuant to this section may file a petition
228 for relief with the court that ordered the commitment requesting that the court restore the
229 person's ability to possess a firearm, rifle or shotgun. When such a petition is filed, the court
230 shall notify the chief of police in the city or town where the person resides. The court may grant
231 the relief sought in accordance with the principles of due process if the circumstances regarding
232 the person's disqualifying condition and the person's record and reputation are determined to be
233 such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii)
234 the granting of relief would not be contrary to the public interest. In making the determination,
235 the court shall consider relevant information provided by the chief of police in the city or town
236 where the person resides and may consider evidence from a licensed medical doctor or clinical
237 psychologist that the person is no longer suffering from the disease or condition that caused the
238 disability or that the disease or condition has been successfully treated for a period of 3
239 consecutive years.

240 If the court grants a petition for relief pursuant to this section, the clerk shall provide
241 notice immediately by forwarding a certified copy of the order for relief to the department of
242 criminal justice information services, who shall transmit the order, pursuant to paragraph (h) of
243 section 167A of chapter 6, to the attorney general of the United States to be included in the
244 National Instant Criminal Background Check System.

245 A person whose petition for relief is denied may appeal to the appellate division of the
246 district court for a de novo review of the denial.

247 SECTION 15. Section 36A of said chapter 123, as so appearing, is hereby amended by
248 adding the following paragraph:-

249 Notwithstanding this section, a court may, pursuant to section 35 and section 36C,
250 transmit information contained in court records to the department of criminal justice information
251 services to provide: (i) licensing authorities as defined under section 121 of chapter 140 with
252 information required or permitted to be considered under state or federal law to conduct
253 background checks for firearm sales or licensing; and (ii) the attorney general of the United
254 States with information required or permitted under federal law to be included in the National
255 Instant Criminal Background Check System maintained to conduct background checks for
256 firearms sales or licensing; provided, however, that the court shall not transmit information
257 solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment
258 or evaluation. Information transmitted to the department of criminal justice information services
259 pursuant to this section and sections 35 and 36C shall not be considered public records pursuant
260 to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4.

261 SECTION 16. Said chapter 123 is hereby further amended by adding the following
262 section:-

263 Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8 or
264 18 or subsection (b) or (c) of section 16, shall transmit the person's name and nonclinical,
265 identifying information, including the person's social security number and date of birth, to the
266 department of criminal justice information services. The court shall notify the person that such
267 person is prohibited from being issued a firearm identification card pursuant to section 129B of

268 chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a
269 petition for relief is subsequently granted pursuant to subsection (b).

270 (b) After 5 years from the date of commitment, a person committed pursuant to sections
271 7, 8 or 18 or subsection (b) or (c) of section 16 may file a petition for relief with the court that
272 ordered the commitment requesting the court to restore the person's ability to possess a firearm.
273 The court may grant the relief sought in accordance with the principles of due process if the
274 circumstances regarding the person's disqualifying condition and the person's record and
275 reputation are determined to be such that: (i) the person is not likely to act in a manner that is
276 dangerous to public safety; and (ii) the granting of relief would not be contrary to the public
277 interest. In making the determination, the court may consider evidence from a licensed medical
278 doctor or clinical psychologist that the person is no longer suffering from the disease or
279 condition that caused the disability or that the disease or condition has been successfully treated
280 for a period of 3 consecutive years.

281 (c) When the court grants a petition for relief pursuant to subsection (b), the clerk shall
282 immediately forward a copy of the order for relief to the department of criminal justice
283 information services.

284 (d) A person whose petition for relief is denied pursuant to subsection (b) may appeal to
285 the appellate division of the district court for a de novo review of the denial.

286 SECTION 17. The first paragraph of section 14 of chapter 131 of the General Laws, as
287 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence
288 the following sentence:- The course shall also include, with respect to the safe handling of

289 firearms, the program of instruction on harm reduction developed by the division on violence
290 and injury prevention within the department of public health.

291 SECTION 18. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby
292 amended by striking out, in line 1, the figure “131P” and inserting in place thereof the following
293 figure:- 131Q.

294 SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further
295 amended by striking out, in lines 6 to 8, inclusive, the words “chemical mace or any device or
296 instrument which contains or emits a liquid, gas, powder or any other substance designed to
297 incapacitate”.

298 SECTION 20. Said chapter 140 of the General Laws is hereby further amended by
299 inserting after section 122B the following 2 sections:-

300 Section 122C. (a) As used in this section and section 122D, “self-defense spray” shall
301 mean chemical mace, pepper spray or any device or instrument which contains, propels or emits
302 a liquid, gas, powder or other substance designed to incapacitate.

303 (b) Whoever, not being licensed as provided in section 122B, sells self-defense spray
304 shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in a
305 house of correction for not less than 6 months nor more than 2 years.

306 (c) Whoever sells self-defense spray to a person younger than 18 years of age, if the
307 person younger than 18 years of age does not have a firearms identification card, shall be
308 punished by a fine of not more than \$300.

309 (d) A person under 18 years of age who possesses self-defense spray and who does not
310 have a firearms identification card shall be punished by a fine of not more than \$300.

311 Section 122D. No person shall purchase or possess self-defense spray who:

312 (i) in a court of the commonwealth, has been convicted or adjudicated a youthful offender
313 or delinquent child as defined in section 52 of chapter 119 for the commission of: (A) a felony;
314 (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as
315 defined in section 121; (D) a violation of a law regulating the use, possession, ownership,
316 transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for
317 which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use,
318 possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but
319 not limited to, a violation under said chapter 94C; provided, however, that except for the
320 commission of a violent crime or a crime involving the trafficking of controlled substances, if the
321 person has been so convicted or adjudicated or released from confinement, probation or parole
322 supervision for such conviction or adjudication, whichever occurs last, for 5 or more years
323 immediately preceding the purchase or possession, that person may purchase or possess self-
324 defense spray;

325 (ii) in another state or federal jurisdiction, has been convicted or adjudicated a youthful
326 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable
327 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
328 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,
329 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
330 may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled

331 substance as defined in section 1 of chapter 94C; provided, however, that, except for the
332 commission of a violent crime or a crime involving the trafficking of weapons or controlled
333 substances, if the person has been so convicted or adjudicated or released from confinement,
334 probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5
335 or more years immediately preceding the purchase or possession and that applicant's right or
336 ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject
337 conviction or adjudication was entered, then that person may purchase or possess self-defense
338 spray;

339 (iii) has been committed to any hospital or institution for mental illness unless the person
340 obtains, prior to purchase or possession, an affidavit of a registered physician attesting that such
341 physician is familiar with the applicant's mental illness and that in the physician's opinion the
342 applicant is not disabled by such an illness in a manner that should prevent the applicant from
343 possessing self-defense spray;

344 (iv) is or has been under treatment for or committed based upon a finding that the person
345 is a person with an alcohol use disorder or a substance use disorder, or both unless a licensed
346 physician deems such person to be cured of such condition, in which case, such person may
347 purchase or possess self-defense spray after 5 years from the date of such confinement or
348 treatment; provided, however, that prior to such purchase or possession of self-defense spray, the
349 applicant shall submit an affidavit issued by a licensed physician attesting that such physician
350 knows the person's history of treatment and that in that physician's opinion the applicant is
351 deemed cured;

352 (v) at the time of the application, is younger than 15 years of age;

353 (vi) at the time of the application, is at least 15 years of age but less than 18 years of age
354 unless the applicant submits with the application a certificate from the applicant's parent or
355 guardian granting the applicant permission to apply for a card;

356 (vii) is an alien who does not maintain lawful permanent residency;

357 (viii) is currently subject to: (1) an order for suspension or surrender issued pursuant to
358 section 3B or 3C of chapter 209A or section 7 of chapter 258E; or (2) a permanent or temporary
359 protection order issued pursuant to chapter 209A or section 7 of chapter 258E; or

360 (ix) is currently the subject of an outstanding arrest warrant in any state or federal
361 jurisdiction.

362 Whoever purchases or possesses self-defense spray in violation of this section shall be
363 punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in a house of
364 correction for not less than 6 months nor more than 2 years or both such fine and imprisonment.

365 SECTION 21. Section 123 of said chapter 140, as appearing in the 2012 Official Edition,
366 is hereby amended by striking out, in lines 37 and 59, the words "Class A", each time they
367 appear.

368 SECTION 22. Said section 123 of said chapter 140, as so appearing, is hereby further
369 amended by striking out, in lines 40 and 63, the words "Class A or Class B", each time they
370 appear.

371 SECTION 23. Said section 123 of said chapter 140, as so appearing, is hereby further
372 amended by inserting after the word "height", in line 127, the following words: - , and further that
373 the licensee shall conspicuously post and distribute at each purchase counter a notice providing

374 information on suicide prevention developed and provided by the division on violence and injury
375 prevention within the department of public health. The department of public health shall develop
376 and make available on its website for download a sign providing the information on suicide
377 prevention.

378 SECTION 24. Said section 123 of said chapter 140, as so appearing, is hereby further
379 amended by striking out the second paragraph and inserting in place thereof the following
380 paragraph:-

381 Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i)
382 a firearm lawfully owned or possessed under a license issued under this chapter on or before
383 October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of
384 the gun control advisory board, established pursuant to section 131½ of chapter 140, as a
385 firearm solely designed and sold for formal target shooting competition; or (iii) a firearm
386 designated by the secretary of public safety, with the advice of the gun control advisory board,
387 established pursuant to section 131 ½ of chapter 140, as a firearm or pistol solely designed and
388 sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-
389 annual basis, of firearms designated as “formal target shooting firearms” and “Olympic
390 competition firearms” in accordance with this paragraph. Such lists shall be made available for
391 distribution by the executive office of public safety and security.

392 SECTION 25. Section 128 of said chapter 140, as so appearing, is hereby amended by
393 inserting after the word “sixteenth”, in line 4, the following word :- , seventeenth.

394 SECTION 26. Section 128A of said chapter 140, as so appearing, is hereby amended by
395 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident

396 reports within seven days, in writing to the commissioner of the department of criminal justice
397 information services on forms furnished by said executive director, the names and addresses of
398 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,
399 together with a complete description of the firearm, rifle or shotgun, including its designation as
400 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's
401 license to carry firearms number, permit to purchase number and identifying number of such
402 documentation as is used to establish exempt person status in the case of a firearm or the
403 purchaser's license to carry number or firearm identification card number or said document
404 identity number, in the case of a rifle or shotgun”.

405 SECTION 27. Said section 128A of said chapter 140, as so appearing, is hereby further
406 amended by adding the following 4 sentences:- Any sale or transfer conducted pursuant to this
407 section shall comply with section 131E and shall, prior to or at the point of sale, be conducted
408 over a real time web portal developed by the department of criminal justice information services.
409 The department of criminal justice information services shall require each person selling or
410 transferring a firearm, shotgun or rifle pursuant to this section to electronically provide, through
411 the portal, such information as is determined to be necessary to verify the identification of the
412 seller and purchaser and ensure that the sale or transfer complies with this section. Upon
413 submission of the required information, the portal shall automatically review such information
414 and display a message indicating whether the seller may proceed with the sale or transfer and
415 shall provide any further instructions for the seller as determined to be necessary by the
416 department of criminal justice information services. The department of criminal justice
417 information services shall keep a record of any sale or transfer conducted pursuant to this section
418 and shall provide the seller and purchaser with verification of such sale or transfer.

419 SECTION 28. Section 129B of said chapter 140, as so appearing, is hereby amended by
420 striking out paragraph (1) and inserting in place thereof the following paragraph:-

421 (1) A person residing or having a place of business within the jurisdiction of the licensing
422 authority or a person residing in an area of exclusive federal jurisdiction located within a city or
423 town may submit to the licensing authority an application for a firearm identification card, or
424 renewal of the same, which the licensing authority shall issue if it appears that the applicant is
425 not a prohibited person. A prohibited person shall be a person who:

426 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful
427 offender or delinquent child or both as defined in section 52 of chapter 119, for the commission
428 of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a
429 violent crime as defined in section 121; (D) a violation of a law regulating the use, possession,
430 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
431 ammunition for which a term of imprisonment may be imposed; (E) a violation of a law
432 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter
433 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor
434 crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except
435 for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a
436 crime involving the trafficking of controlled substances, if the applicant has been so convicted or
437 adjudicated or released from confinement, probation or parole supervision for such conviction or
438 adjudication, whichever occurs last, for 5 or more years immediately preceding such application,
439 then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be
440 deemed restored in the commonwealth with respect to such conviction or adjudication and that
441 conviction or adjudication shall not disqualify the applicant for a firearm identification card;

442 (ii) has, in another state or federal jurisdiction, been convicted or adjudicated a youthful
443 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable
444 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a
445 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,
446 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
447 may be imposed; (e) a violation of a law regulating the use, possession or sale of controlled
448 substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under
449 said chapter 94C; or (f) a misdemeanor crime of domestic violence as defined in 18 U.S.C.
450 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime
451 of domestic violence, a violent crime or a crime involving the trafficking of weapons or
452 controlled substances, if the applicant has been so convicted or adjudicated or released from
453 confinement, probation or parole supervision for such conviction or adjudication, whichever
454 occurs last, for 5 or more years immediately preceding such application and the applicant's right
455 or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the
456 conviction or adjudication was entered, then the conviction or adjudication shall not disqualify
457 such applicant for a firearm identification card;

458 (iii) is or has been: (1) except in the case of a commitment pursuant to sections 35 or 36C
459 of chapter 123, committed to a hospital or institution for mental illness, alcohol or substance
460 abuse, unless after 5 years from the date of the confinement, the applicant submits with the
461 application an affidavit of a registered physician attesting that such physician is familiar with the
462 applicant's mental illness, alcohol or substance abuse and that in the physician's opinion the
463 applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that should
464 prevent the applicant from possessing a firearm, rifle or shotgun; (2) committed by an order of a

465 court to a hospital or institution for mental illness, unless the applicant was granted a petition for
466 relief of the court's order pursuant to section 36C of chapter 123 and submits a copy of the order
467 for relief with the application; (3) subject to an order of the probate court appointing a guardian
468 or conservator for a incapacitated person on the grounds that that applicant lacks the mental
469 capacity to contract or manage affairs, unless the applicant was granted a petition for relief
470 pursuant to section 56C of chapter 215 and submits a copy of the order for relief with the
471 application; or (4) found to be a person with an alcohol use disorder or substance use disorder or
472 both and committed pursuant to section 35 of said chapter 123, unless the applicant was granted
473 a petition for relief of the court's order pursuant to said section 35 of said chapter 123 and
474 submits a copy of the order for relief with the application;

475 (iv) is at the time of the application younger than 14 years of age; provided, however, that
476 the card shall not be issued until the applicant reaches the age of 15;

477 (v) is at the time of the application more than 14 but less than 18 years of age, unless the
478 applicant submits with the application a certificate of a parent or guardian granting the applicant
479 permission to apply for a card;

480 (vi) is an alien who does not maintain lawful permanent residency;

481 (vii) is currently subject to: (A) an order for suspension or surrender issued pursuant to
482 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a
483 permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued
484 by another jurisdiction, including an order described in 18 U.S.C. 922(g)(8);

485 (viii) is currently the subject of an outstanding arrest warrant in any state or federal
486 jurisdiction;

487 (ix) has been discharged from the armed forces of the United States under dishonorable
488 conditions;

489 (x) is a fugitive from justice; or

490 (xi) having been a citizen of the United States, has renounced that citizenship.

491 Notwithstanding paragraph (1) to the contrary, the licensing authority may deny the
492 application or renewal of a firearm identification card, or suspend or revoke a card issued under
493 this section, if in the reasonable exercise of discretion, the licensing authority determines that the
494 applicant or card holder is unsuitable to be issued or to continue to hold a firearm identification
495 card. A determination of unsuitability shall be based on: (i) reliable and credible information that
496 the applicant or card holder has exhibited or engaged in behavior that suggests the applicant or
497 card holder could potentially create a risk to public safety if issued a card; or (ii) existing factors
498 that suggest that the applicant or card holder could potentially create a risk to public safety if
499 issued a card. Upon denying an application or renewal of a card based on a determination of
500 unsuitability, the licensing authority shall notify the applicant in writing the specific reasons for
501 the determination of unsuitability. Upon revoking or suspending a card based on a determination
502 of unsuitability, the licensing authority shall notify, in writing, the holder of that license,
503 including the specific reasons for the determination of unsuitability as set forth in paragraph (4).
504 The determination of unsuitability shall be subject to judicial review as provided in paragraph
505 (5).

506 SECTION 29. Paragraph (2) of said section 129B of said chapter 140, as so appearing,
507 is hereby amended by adding the following 2 sentences:- The licensing authority shall provide to
508 the applicant a receipt indicating that it received the applicant's application. The receipt shall be

509 provided to the applicant within 7 days by mail if the application was received by mail or
510 immediately if the application was made in person; provided, however, that the receipt shall
511 include the applicants' name, address, current firearm identification card number, if any, the
512 current card's expiration date, if any, the date when the application was received by the licensing
513 authority, the name of the licensing authority and its agent that received the application, the
514 licensing authority's address and telephone number, the type of application and whether it is an
515 application for a new card or for renewal of an existing card; and provided further, that a copy of
516 the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be
517 furnished to the applicant if requested by the applicant.

518 SECTION 30. Said section 129B of said chapter 140, as so appearing, is hereby further
519 amended by inserting after the word "card", in line 141, the following words:- issued pursuant to
520 subclause (vi) of clause (1) of section 122D.

521 SECTION 31. Said section 129B of said chapter 140, as so appearing is hereby
522 amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

523 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large
524 capacity firearm or large capacity feeding device therefor, except under a license issued to a
525 shooting club as provided under section 131 or under the direct supervision of a holder of a
526 license issued to an individual under said section 131 at an incorporated shooting club or
527 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or
528 large capacity feeding device therefor, except under a license issued to a shooting club as
529 provided under said section 131 or under the direct supervision of a holder of a license issued to
530 an individual under said section 131 at an incorporated shooting club or licensed shooting range.

531 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that
532 is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued
533 pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess
534 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
535 temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall
536 not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or
537 transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined
538 in section 121.

539 SECTION 32. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is
540 hereby amended by striking out the first sentence and inserting in place thereof the following
541 sentence:- A firearm identification card shall be in a standard form provided by the
542 commissioner of the department of criminal justice information services in a size and shape
543 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles
544 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,
545 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and
546 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide
547 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline
548 and the Samaritans Statewide Helpline.

549 SECTION 33. Said section 129B of said chapter 140, as so appearing, is hereby further
550 amended by inserting after the word "issued", in lines 155 and 206, each time it appears, the
551 following words:- pursuant to subclause (vi) of clause (1) of section 122D.

552 SECTION 34. Said section 129B of said chapter 140, as so appearing, is hereby further
553 amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

554 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period
555 of not more than 6 years from the date of issuance, except that if the cardholder applied for
556 renewal before the card expired, the card shall remain valid after the expiration date on the card
557 for all lawful purposes, until the application for renewal is approved or denied; provided,
558 however, if the cardholder is on active duty with the armed forces of the United States on the
559 expiration date of the card, the card shall remain valid until the cardholder is released from active
560 duty and for a period of not less than 180 days following such release, except that if the
561 cardholder applied for renewal prior to the end of such period, the card shall remain valid after
562 the expiration date on the card for all lawful purposes, until the application for renewal is
563 approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of
564 criminal justice information services shall send electronically or by first class mail to the holder
565 of a firearm identification card, a notice of the expiration of the card not less than 90 days before
566 its expiration and shall enclose with the notice a form for the renewal of the card. The form for
567 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not
568 lost a firearm or had a firearm stolen from the applicant's possession or has properly reported the
569 loss or theft of any firearm since the date of the applicant's last renewal or issuance. The
570 commissioner of criminal justice information services shall include in the notice all pertinent
571 information about the penalties that may be imposed if the firearm identification card is not
572 renewed. The commissioner of criminal justice information services shall provide electronic
573 notice of expiration only upon the request of a cardholder. A request for electronic notice of
574 expiration shall be forwarded to the department on a form furnished by the commissioner. Any

575 electronic address maintained by the department to provide electronic notice of expiration shall
576 be considered a firearms record and shall not be disclosed except as provided in section 10 of
577 chapter 66.

578 SECTION 35. Said section 129B of said chapter 140, as so appearing, is hereby further
579 amended by striking out, in lines, 195, 218, 219 and 224, the word “clause” and inserting in
580 place thereof, in each instance, the following word:- paragraph.

581 SECTION 36. Said section 129B of said chapter 140, as so appearing, is hereby further
582 amended by striking out, in lines 245 and 246, the words “meaning after 90 days beyond the
583 stated expiration date on the card” and inserting in place thereof the following words:- not
584 including licenses that remain valid under paragraph (9) because the licensee applied for renewal
585 before the license expired.

586 SECTION 36A. Said section 129B of said chapter 140, as so appearing, is hereby further
587 amended by striking out, in line 248, the figure “\$500” and inserting in place thereof the
588 following figure:- \$100.

589 SECTION 37. The third paragraph of section 129C of said chapter 140, as so appearing,
590 is hereby amended by striking out the last sentence and inserting in place thereof the following 2
591 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun
592 or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to
593 the commissioner of the department of criminal justice information services and the licensing
594 authority in the city or town where the owner resides shall be punished by a fine of not less than
595 \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than
596 \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or

597 imprisonment for not less than 1 year nor more than 5 years, or by both such fine and
598 imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for
599 suspension or permanent revocation of a person's firearm identification card or license to carry
600 firearms, or both; provided, however, that no person, who in good faith, reports the loss or theft
601 under this paragraph shall be subject to suspension, revocation or be considered unsuitable under
602 section 131 for the renewal of a lawfully held firearms identification card or license to carry
603 firearms.

604 SECTION 38. Said section 129C of said chapter 140, as so appearing, is hereby further
605 amended by striking out the seventh paragraph and inserting in place thereof the following
606 paragraph:-

607 Nothing in this section shall permit the sale or transfer of a large capacity rifle, shotgun
608 or firearm or large capacity feeding device therefor to a person not in possession of a license to
609 carry firearms issued pursuant to section 131.

610 SECTION 39. The first paragraph of section 129D of said chapter 140, as so appearing, is
611 hereby amended by striking out the last sentence and inserting in place thereof the following
612 sentence:- After 1 year of the disposition of the case, providing no appeal is pending, the
613 licensing authority, at its discretion, may dispose of firearms, rifles, shotguns or machine guns
614 and ammunition that were evidence in such cases, except in capital cases, through trade or sale or
615 for disposal to a properly licensed distributor or firearms dealer with the proceeds of the sale or
616 transfer being remitted or credited to the local police department in the municipality in which
617 the licensing authority presides to purchase weapons or related law enforcement equipment or
618 supplies.

619 SECTION 40. Said section 129D of said chapter 140, as so appearing, is hereby further
620 amended by inserting after the word “means”, in line 21, the following words:- and at any time,
621 including weapons involved in a domestic violence case under chapter 209A,.

622 SECTION 41. The second paragraph of said section 129D of said chapter 140, as so
623 appearing, is hereby further amended by inserting after the second sentence the following
624 sentence:- A receipt and inventory provided by a storage dealer or the completion by that dealer
625 of a required form under the regulations implementing this section shall satisfy the requirements
626 in section 131 that a police officer or police department issue a receipt or prepare an inventory.

627 SECTION 42. The third paragraph of said section 129D of said chapter 140, as so
628 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
629 following sentence:- Firearms, rifles, shotguns or machine guns and ammunition not disposed of
630 after delivery or surrender according to this section may be disposed of by the licensing authority
631 with the proceeds of the sale or transfer being remitted or credited to the local police department
632 in the municipality in which the licensing authority presides to purchase weapons or related law
633 enforcement equipment or supplies.

634 SECTION 43. Said section 129D of said chapter 140, as so appearing, is hereby amended
635 by inserting after the third paragraph the following paragraph:-

636 The licensing authority, at its discretion, may at any time, trade or dispose of surplus,
637 donated, abandoned or junk firearms, rifles, shotguns or machine guns and ammunition to
638 properly licensed distributors or firearms dealers with the proceeds of the sale or transfer being
639 remitted or credited to the local police department in the municipality in which the licensing
640 authority presides to purchase weapons or related law enforcement equipment or supplies.

641 SECTION 44. Said chapter 140 is hereby further amended by striking out section 130
642 and inserting in place thereof the following 2 sections:-

643 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to an alien 18
644 years of age or older who does not hold a permit card issued to that alien pursuant to section
645 131H or, except as provided in this section or section 131E, whoever sells or furnishes an alien
646 or a person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells
647 or furnishes to a person under 21 years of age a firearm or large capacity rifle or shotgun or
648 ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or
649 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date
650 of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000,
651 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of
652 correction for not more than 2 ½ years or by both such fine and imprisonment.

653 Section 130½. Notwithstanding section 130 or any general or special law to the contrary,
654 it shall be lawful to furnish a weapon to a minor for hunting, recreation, instruction and
655 participation in shooting sports while under the supervision of a holder of a valid firearm
656 identification card or license to carry appropriate for the weapon in use; provided, however, that
657 the parent or guardian of the minor granted consent for such activities.

658 SECTION 45. Section 131 of said chapter 140, as appearing in the 2012 Official Edition,
659 is hereby amended by striking out, in lines 1 and 2, the words “All licenses to carry firearms
660 shall be designated Class A or Class B, and the issuance and possession of any such license” and
661 inserting in place thereof the following words:- The issuance and possession of a license to carry
662 firearms.

663 SECTION 46. Said section 131 of said chapter 140, as so appearing, is hereby further
664 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the
665 following 3 paragraphs:-

666 (a) A license shall entitle a holder of a license to purchase, rent, lease, borrow, possess
667 and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition
668 therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or
669 carrying of firearms as the licensing authority considers proper; and (ii) rifles and shotguns,
670 including large capacity weapons and feeding devices and ammunition therefor, for all lawful
671 purposes; provided, however, that the licensing authority may impose such restrictions relative to
672 the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A
673 violation of a restriction imposed by the licensing authority under this paragraph shall be cause
674 for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not
675 less than \$1,000 nor more than \$10,000; provided, however, that section 10 of chapter 269 shall
676 not apply to a violation of this paragraph.

677 (b) The colonel of state police may, after an investigation, grant a license to a club or
678 facility with an on-site shooting range or gallery, which club is incorporated under the laws of
679 the commonwealth for the possession, storage and use of large capacity weapons, ammunition
680 therefor and large capacity feeding devices for use with such weapons on the premises of the
681 club; provided, however, that not less than 1 shareholder of the club shall be qualified and
682 suitable to be issued a license; and provided further, that such large capacity weapons and
683 ammunition feeding devices may be used under the club license only by a member that possesses
684 a valid firearm identification card issued pursuant to section 129B or a valid license to carry
685 firearms or by such other person that the club permits while under the direct supervision of a

686 certified firearms safety instructor or club member who, in the case of a large capacity firearm,
687 possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun,
688 possesses a valid license to carry firearms. The club shall not permit shooting at targets that
689 depict human figures, human effigies, human silhouettes or any human images thereof, except by
690 public safety personnel performing in line with their official duties.

691 No large capacity weapon or large capacity feeding device shall be removed from the
692 premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport
693 the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on
694 the premises of another club incorporated under the laws of the commonwealth and to transport
695 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted
696 under the supervision of or approved by a public law enforcement agency or a nationally or state
697 recognized entity that promotes proficiency in or education about semiautomatic weapons and to
698 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or
699 feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding
700 device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be
701 secured in a locked container and shall be unloaded during any lawful transport. The clerk or
702 other corporate officer of the club shall annually file a report with the colonel of state police and
703 the commissioner of criminal justice information services listing all large capacity weapons and
704 large capacity feeding devices owned or possessed under the license. The colonel or a designee
705 may inspect all firearms owned or possessed by the club upon request during regular business
706 hours and the colonel may revoke or suspend a club license for a violation of this chapter or
707 chapter 269 relative to the ownership, use or possession of large capacity weapons or large
708 capacity feeding devices.

709 (c) A license to carry firearms shall be valid to own, possess, purchase and transfer non-
710 large capacity rifles and shotguns, consistent with the entitlements conferred by a firearm
711 identification card issued under section 129B.

712 SECTION 47. Said section 131 of said chapter 140, as so appearing, is hereby further
713 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

714 (d) Any person residing or having a place of business within the jurisdiction of the licensing
715 authority or any law enforcement officer employed by the licensing authority or any person
716 residing in an area of exclusive federal jurisdiction located within a city or town may submit to
717 the licensing authority or the colonel of state police, an application for a Class A license to carry
718 firearms, or renewal of the same, which the licensing authority or the colonel may issue if it
719 appears that the applicant is not a prohibited person, as set forth in this section, to be issued a
720 license and has good reason to fear injury to the applicant or the applicant's property or for any
721 other reason, including the carrying of firearms for use in sport or target practice only, subject to
722 the restrictions expressed or authorized under this section.

723 A prohibited person shall be a person who:

724 (i) has, in a court of the commonwealth, been convicted or adjudicated a youthful
725 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of
726 (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a
727 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,
728 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
729 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law
730 regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter

731 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of
732 domestic violence as defined in 18 U.S.C. 921(a)(33);

733 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
734 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable
735 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
736 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
737 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
738 may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled
739 substance as defined in said section 1 of said chapter 94C including, but not limited to, a
740 violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18
741 U.S.C. 921(a)(33);

742 (iii) is or has been (A) committed to a hospital or institution for mental illness, alcohol or
743 substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless
744 after 5 years from the date of the confinement the applicant submits with the application an
745 affidavit of a registered physician attesting that the physician is familiar with the applicant's
746 mental illness, alcohol or substance abuse and that, in the physician's opinion, the applicant is not
747 disabled by a mental illness, alcohol or substance abuse in a manner that shall prevent the
748 applicant from possessing a firearm, rifle or shotgun; (B) committed by a court order to a
749 hospital or institution for mental illness, unless the applicant was granted a petition for relief of
750 the court order pursuant to said section 36C of said chapter 123 and submits a copy of the court
751 order with the application; (C) subject to an order of the probate court appointing a guardian or
752 conservator for a incapacitated person on the grounds that the applicant lacks the mental capacity
753 to contract or manage the applicant's affairs, unless the applicant was granted a petition for relief

754 of the order of the probate court pursuant to section 56C of chapter 215 and submits a copy of
755 the order of the probate court with the application; or (D) found to be a person with an alcohol
756 use disorder or substance use disorder or both and committed pursuant to said section 35 of said
757 chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to
758 said section 35 and submits a copy of the court order with the application;

759 (iv) is younger than 21 years of age at the time of the application;

760 (v) is an alien who does not maintain lawful permanent residency;

761 (vi) is currently subject to (A) an order for suspension or surrender issued pursuant to
762 sections 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a
763 permanent or temporary protection order issued pursuant to said chapter 209A or a similar order
764 issued by another jurisdiction, including any order described in 18 U.S.C. 922(g)(8);

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

767 (viii) has been discharged from the armed forces of the United States under dishonorable
768 conditions;

769 (ix) is a fugitive from justice; or

770 (x) having been a citizen of the United States, has renounced that citizenship.

771 The licensing authority may deny the application or renewal of a license to carry or suspend
772 or revoke a license issued under this section if, in a reasonable exercise of discretion, the
773 licensing authority determines that the applicant or licensee is unsuitable to be issued or to
774 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable

775 and credible information that the applicant or licensee has exhibited or engaged in behavior that
776 suggests that, if issued a license, the applicant or licensee may create a risk to the applicant or
777 licensee, to another person in the household of the applicant or licensee or to public safety; or (ii)
778 existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to
779 the applicant or licensee, to another person in the household of the applicant or licensee or to
780 public safety. Upon denial of an application or renewal of a license based on a determination of
781 unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific
782 reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a
783 license based on a determination of unsuitability, the licensing authority shall notify the holder of
784 a license in writing setting forth the specific reasons for the determination in accordance with
785 paragraph (f). The determination of unsuitability shall be subject to judicial review under said
786 paragraph (f).

787 SECTION 48. Paragraph (d) of said section 131 of said chapter 140, as appearing in
788 section 47, is hereby further amended by striking out the first sentence and inserting in place
789 thereof the following sentence:- A person residing or having a place of business within the
790 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing
791 authority or any person residing in an area of exclusive federal jurisdiction located within a city
792 or town may submit to the licensing authority or the colonel of state police an application for a
793 license to carry firearms, or renewal of the same, which the licensing authority or the colonel
794 may issue if it appears that the applicant is not a prohibited person as set forth in this section to
795 be issued a license and that the applicant has good reason to fear injury to the applicant or the
796 applicant's property or for any other reason, including the carrying of firearms for use in sport or
797 target practice only, subject to the restrictions expressed or authorized under this section.

798 SECTION 49. Paragraph (e) of said section 131 of said chapter 140, as appearing in the
799 2012 Official Edition, is hereby amended by adding the following paragraph:-

800 The licensing authority shall provide to the applicant a receipt indicating that it received
801 the application. The receipt shall be provided to the applicant within 7 days by mail if the
802 application was received by mail or immediately if the application was made in person;
803 provided, however, that the receipt shall include the applicant's name and address; current
804 license number and license expiration date, if any; the date the licensing authority received the
805 application; the name, address and telephone number of the licensing authority; the agent of the
806 licensing authority that received the application; the type of application; and whether the
807 application is for a new license or a renewal of an existing license. The licensing authority shall
808 keep a copy of the receipt for not less than 1 year and shall furnish a copy to the applicant if
809 requested by the applicant.

810 SECTION 50. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is
811 hereby amended by striking out the second paragraph and inserting in place thereof the following
812 paragraph:-

813 Any applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on
814 a license, unless a hearing has previously been held pursuant to chapter 209A, may, within either
815 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the
816 expiration of the time limit during which the licensing authority shall respond to the applicant or,
817 in the case of a restriction, any time after a restriction is placed on the license pursuant to this
818 section, file a petition to obtain judicial review in the district court having jurisdiction in the city
819 or town in which the applicant filed the application or in which the license was issued. If after a

820 hearing a justice of the court finds that there was no reasonable ground for denying, suspending,
821 revoking or restricting the license and that the petitioner is not prohibited by law from possessing
822 a license, the justice may order a license to be issued or reinstated to the petitioner or may order
823 the licensing authority to remove certain restrictions placed on the license.

824 SECTION 51. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is
825 hereby amended by striking out the first and second sentences and inserting in place thereof the
826 following 3 sentences:- A license shall be in a standard form provided by the commissioner of
827 criminal justice information services in a size and shape equivalent to that of a license to operate
828 motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and
829 shall contain a license number which shall clearly indicate the name, address, photograph,
830 fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the
831 licensee. The license shall be clearly marked "License to Carry Firearms". The license shall
832 provide in a legible font size and style the phone numbers for the National Suicide Prevention
833 Lifeline and the Samaritans Statewide Helpline.

834 SECTION 52. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is
835 hereby amended by striking out the first sentence and inserting in place thereof the following 3
836 sentences:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for
837 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the
838 licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of
839 issue; provided, however, that, if the licensee applied for renewal before the license expired, the
840 license shall remain valid after its expiration date for all lawful purposes until the application for
841 renewal is approved or denied. If a licensee is on active duty with the armed forces of the United
842 States on the expiration date of the license, the license shall remain valid until the licensee is

843 released from active duty and for a period not less than 180 days following the release; provided,
844 however, that, if the licensee applied for renewal prior to the end of that period, the license shall
845 remain valid after its expiration date for all lawful purposes until the application for renewal is
846 approved or denied. An application for renewal of a Class B license filed before the license has
847 expired shall not extend the license beyond the stated expiration date; provided, that the Class B
848 license shall expire on the anniversary of the licensee's date of birth occurring not less than 5
849 years nor more than 6 years from the date of issue.

850 SECTION 53. Said paragraph (i) of said section 131 of said chapter 140 is hereby further
851 amended by striking out the first 3 sentences, as appearing in section 53, and inserting in place
852 thereof the following 2 sentences:- A license to carry or possess firearms shall be valid, unless
853 revoked or suspended, for a period of not more than 6 years from the date of issue and shall
854 expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more
855 than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal
856 before the license expired, the license shall remain valid after its expiration date for all lawful
857 purposes until the application for renewal is approved or denied. If a licensee is on active duty
858 with the armed forces of the United States on the expiration date of the license, the license shall
859 remain valid until the licensee is released from active duty and for a period not less than 180
860 days following the release; provided, however, that, if the licensee applied for renewal prior to
861 the end of that period, the license shall remain valid after its expiration date for all lawful
862 purposes until the application for renewal is approved or denied.

863 SECTION 54. Said section 131 of said chapter 140, as appearing in the 2012 Official
864 Edition, is hereby further amended by inserting after the word "For", in line 254, the following
865 words:- active and retired.

866 SECTION 55. Paragraph (l) of said section 131 of said chapter 140, as so appearing, is
867 hereby amended by inserting after the first sentence the following sentence:- The form for
868 renewal shall include an affidavit in which the applicant shall verify that the applicant has not
869 lost any firearms or had any firearms stolen from the applicant's possession or has properly
870 reported the loss or theft of any firearm stolen from the applicant's possession since the date of
871 the applicant's last renewal or issuance.

872 SECTION 56. Said section 131 of said chapter 140, as so appearing, is hereby further
873 amended by striking out, in lines 317 to 320, inclusive, the words "meaning after 90 days beyond
874 the stated expiration date on the license, but who shall not be disqualified from renewal upon
875 application therefor under this section, shall be subject to a civil fine of not less than \$500" and
876 inserting in place thereof the following words:- not including licenses that remain valid under
877 paragraph (i) because the licensee applied for renewal before the license expired, but who shall
878 not be disqualified from renewal upon application therefor pursuant to this section, shall be
879 subject to a civil fine of not less than \$100.

880 SECTION 57. Said chapter 140 is hereby further amended by striking out section 131C
881 and inserting in place thereof the following section:-

882 Section 131C. (a) No person carrying a loaded firearm under a license issued pursuant to
883 section 131 or 131F shall carry the loaded firearm in a vehicle unless the loaded firearm while
884 carried in the vehicle is under the direct control of the person. Whoever violates this subsection
885 shall be punished by a fine of \$500.

886 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant
887 to section 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the

888 large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or
889 in a locked case or other secure container. Whoever violates this subsection shall be punished by
890 a fine of not less than \$500 nor more than \$5,000.

891 (c) This section shall not apply to: (i) an officer, agent or employee of the
892 commonwealth, any state or the United States; (ii) a member of the military or other service of
893 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or
894 employee of a municipality of the commonwealth; provided, however, that a person described in
895 clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the
896 weapon so carried or possessed and is acting within the scope of the person's official duties.

897 (d) A conviction of a violation of this section shall be reported immediately by the court
898 or magistrate to the licensing authority. The licensing authority shall immediately revoke the
899 firearm identification card or license of the person convicted of a violation of this section. No
900 new firearm identification card or license may be issued to a person convicted of a violation of
901 this section until 1 year after the date of revocation of the firearm identification card or license.

902 SECTION 58. Said chapter 140 is hereby further amended by striking out section 131E
903 and inserting in place thereof the following section:-

904 Section 131E. A resident of the commonwealth may purchase firearms, rifles, shotguns
905 and ammunition feeding devices from a dealer licensed pursuant to section 122 or from a person
906 qualified pursuant to section 128A or may purchase ammunition from a licensee under section
907 122B subject to the following conditions and restrictions:

908 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon
909 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid

910 license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status
911 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity
912 feeding devices therefor may be so purchased only upon presentment of a license to carry
913 firearms issued pursuant to said section 131; and provided further, that no rifle, shotgun,
914 ammunition or ammunition feeding device therefor shall be sold to a person younger than 18
915 years of age; and provided further, that no large capacity rifle, shotgun or large capacity feeding
916 device therefor shall be sold to a person younger than 21 years of age.

917 (b) firearms and feeding devices therefor, including large capacity firearms and large
918 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid
919 license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card
920 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;
921 provided, however, that neither a firearm identification card issued pursuant to said section 129B
922 nor proof of exempt status under said section 129C shall be valid to purchase a firearm or
923 ammunition feeding device therefor, including large capacity firearms and large capacity feeding
924 devices therefor, without being presented together with a valid and proper permit to purchase
925 issued under section 131A; and provided further, that an alien permit to possess a rifle or shotgun
926 shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and
927 provided further, that no firearm, ammunition or ammunition feeding device therefor shall be
928 sold to a person younger than 21 years of age. A person who uses a license to carry firearms or a
929 firearm identification card to purchase a firearm, rifle or shotgun for the unlawful use of another
930 or for resale to or giving to an unlicensed person shall be punished by a fine of not less than
931 \$1,000 nor more than \$50,000 dollars or by imprisonment for not less than 2 ½ years nor more
932 than 10 years in a state prison or by both such fine and imprisonment. A conviction of a violation

933 of this section shall be reported immediately by the court to the licensing authority that issued the
934 license or firearm identification card. The licensing authority shall immediately revoke the
935 license or firearm identification card of the person convicted of a violation of this section. No
936 new license or firearm identification card pursuant to said section 129B or said section 131 shall
937 be issued to a person convicted of a violation of this section within 2 years after the date of the
938 revocation of the license or firearm identification card.

939 SECTION 59. Section 131F of said chapter 140, as appearing in the 2012 Official
940 Edition, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

941 SECTION 60. The first paragraph of said section 131F of said chapter 140, as so
942 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the
943 following clause:-

944 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful
945 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable
946 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
947 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
948 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
949 may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled
950 substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of domestic
951 violence as defined in 18 U.S.C. § 921(a)(33).

952 SECTION 61. Said section 131F of said chapter 140, as so appearing, is hereby further
953 amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of

954 an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof
955 the following words:-

956 (v) is currently the subject of an outstanding arrest warrant in any state or federal
957 jurisdiction;

958 (vi) has been discharged from the armed forces of the United States under dishonorable
959 conditions;

960 (vii) is a fugitive from justice;

961 (viii) having been a citizen of the United States, has renounced that citizenship;

962 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the
963 United States; or

964 (x) not being a citizen or national of the United States, has been admitted to the United
965 States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been
966 admitted to the United States for lawful hunting or sporting purposes or is in possession of a
967 hunting license or permit lawfully issued in the United States or another exception set forth in 18
968 U.S.C. 922(y)(2) applies.

969 SECTION 62. The fourth paragraph of said section 131F of said chapter 140, as so
970 appearing, is hereby amended by striking out the first and second sentences and inserting in place
971 thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be
972 clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase
973 firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large
974 capacity feeding device therefor may be carried if the person has been issued a license. The

975 colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided,
976 however, that this entitlement shall be clearly indicated on the license.

977 SECTION 63. Section 131L of said chapter 140, as so appearing, is hereby amended by
978 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3
979 subsections:-

980 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun
981 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by
982 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case
983 of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than
984 \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such
985 fine and imprisonment.

986 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is
987 not a large capacity weapon and the weapon was stored or kept in a place where a person
988 younger than 18 years of age who does not possess a valid firearm identification card issued
989 under section 129B may have access without committing an unforeseeable trespass, by a fine of
990 not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1½ years nor
991 more than 12 years or by both such fine and imprisonment.

992 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a
993 large capacity weapon, firearm or machine gun that was stored or kept in a place where a person
994 younger than 18 years of age may have access without committing an unforeseeable trespass, by
995 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4
996 years nor more than 15 years or by both such fine and imprisonment.

997 SECTION 64. Section 131P of said chapter 140, as so appearing, is hereby amended by
998 striking out, in lines 12 to 17, inclusive, the words “; and provided further, that an applicant for a
999 firearms identification card for the sole purpose of purchasing or possessing chemical mace,
1000 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
1001 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for
1002 receiving such card”.

1003 SECTION 65. Subsection (a) of said section 131P of said chapter 140, as so appearing, is
1004 hereby amended by adding the following paragraph:-

1005 A current member of the United States military or the Massachusetts National Guard who has
1006 not been prohibited under said section 129B from owning a firearm and has received adequate
1007 training while serving in the military shall be exempt from being required to submit a basic
1008 firearms safety certificate to the licensing authority upon submitting a copy of the member’s
1009 most current military identification form.

1010 SECTION 66. Said section 131P of said chapter 140, as so appearing, is hereby further
1011 amended by striking out, in lines 2 and 66, the words “Class A or Class B”, each time they
1012 appear.

1013 SECTION 67. Section 131P of said chapter 140, as so appearing, is hereby further
1014 amended by adding the following subsection:-

1015 (f) The colonel of state police shall produce and distribute public service announcements
1016 to encourage and educate the general public about:

1017 (i) safe storage and transportation of weapons pursuant to sections 131C and 131L; and
1018 (ii) importance of firearms safety education and training, including information on places and
1019 classes that a person may attend to obtain firearms safety education and training.

1020 SECTION 68. Said chapter 140 is hereby further amended by inserting after section 131P
1021 the following section:-

1022 Section 131Q. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault
1023 weapon used to carry out a criminal act shall be traced by the licensing authority for the city or
1024 town in which the crime took place. The licensing authority shall report statistical data including,
1025 but not limited to: (i) the make, model, serial number and caliber of the weapon used; (ii) the
1026 type of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint
1027 evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime
1028 scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii)
1029 whether the weapon was obtained illegally; (viii) whether the weapon was lost or stolen; and (ix)
1030 whether the person using the weapon was otherwise a prohibited person.

1031 The data shall be reported to the commonwealth fusion center or the criminal firearms
1032 and trafficking unit within the division of investigation and intelligence in the department of state
1033 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce
1034 an annual report by December 31 of each year regarding crimes committed in the commonwealth
1035 using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons and
1036 shall submit a copy of the report to the joint committee on public safety and homeland security
1037 and, upon request, to criminology, public policy and public health researchers and other law
1038 enforcement agencies.

1039 SECTION 69. Section 3C of chapter 209A of the General Laws, as appearing in the 2012
1040 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,
1041 including a Class A or Class B license.”.

1042 SECTION 70. Said chapter 209A is hereby further amended by inserting after section 3C
1043 the following section:-

1044 Section 3D. Upon an order for suspension or surrender issued pursuant to sections 3B or
1045 3C, the court shall transmit a report containing the defendant’s name and identifying information
1046 and a statement describing the defendant’s alleged conduct and relationship to the plaintiff to the
1047 department of criminal justice information services. Upon the expiration, cancellation or
1048 revocation of the order, the court shall transmit a report containing the defendant’s name and
1049 identifying information, a statement describing the defendant’s alleged conduct and relationship
1050 to the plaintiff and an explanation that the order is no longer current or valid to the department of
1051 criminal justice information services who shall transmit the report, pursuant to paragraph (h) of
1052 section 167A of chapter 6, to the attorney general of the United States to be included in the
1053 National Instant Criminal Background Check System.

1054 SECTION 71. Chapter 215 of the General Laws is hereby amended by inserting after
1055 section 56B the following section:-

1056 Section 56C. (a) Notwithstanding any general or special law, to the contrary, the
1057 administrative office of the trial court shall transmit an order of the probate court appointing a
1058 guardian or conservator for an incapacitated person under Parts 3 or 4 of Article V of the
1059 Massachusetts Uniform Probate Code, chapter 190B, on the grounds that the person lacks mental
1060 capacity to contract or manage the person’s affairs, and any subsequent order terminating or

1061 rescinding the appointment, to the department of criminal justice information services to provide:
1062 (i) licensing authorities as defined pursuant to section 121 of chapter 140 with information
1063 required or permitted to be considered under state and federal law to conduct background checks
1064 for firearm sales or licensing; and (ii) the attorney general of the United States with information
1065 required or permitted under federal law to be included in the National Instant Criminal
1066 Background Check System maintained to conduct background checks for firearms sales or
1067 licensing. The department shall transmit no more information than is necessary for the purpose
1068 stated above and the information shall not be considered a public record under clause Twenty-
1069 sixth of section 7 of chapter 4 and section 10 of chapter 66.

1070 (b) A person found to lack the mental capacity to contract or manage the person's affairs
1071 may, after 5 years from the date of the finding, file a petition for relief with the probate court that
1072 ordered the commitment requesting the court to restore the person's ability to possess a firearm.
1073 The court may grant the relief sought in accordance with due process if the circumstances
1074 regarding the person's disqualifying condition and the person's record and reputation are
1075 determined to be such that: (i) the person is not likely to act in a manner that is dangerous to
1076 public safety; and (ii) the granting of relief would not be contrary to the public interest. In
1077 making the determination, the court may consider evidence from a licensed medical doctor or
1078 clinical psychologist that the person is no longer suffering from the disease or condition that
1079 caused the incapacity or that the disease or condition has been successfully treated for a period of
1080 3 consecutive years. Upon the granting of a petition for relief, the administrative office of the
1081 trial court shall immediately forward a copy of the order for relief to the department of criminal
1082 justice information services for the purposes listed in subsection (a).

1083 SECTION 72. Section 2 of chapter 258E of the General Laws, as appearing in the 2012
1084 Official Edition, is hereby amended by striking out, in line 6, the figure “17” and inserting in
1085 place thereof the following figure:- 18.

1086 SECTION 73. Section 13D of chapter 265 of the General Laws, as amended by section
1087 177 of chapter 165 of the acts of 2014, is hereby amended by adding the following paragraph:-

1088 Whoever commits an offense under this section and which includes an attempt to disarm
1089 a police officer in the performance of the officer’s duty shall be punished by imprisonment in the
1090 state prison for not more than 10 years or by a fine of not more than \$1,000 and imprisonment in
1091 a jail or house of correction for not more than 2½ years.

1092 SECTION 74. Said chapter 265 is hereby further amended by inserting after section 13M
1093 the following section:-

1094 Section 13N. Upon entry of a conviction for any misdemeanor offense that has as an
1095 element the use or attempted use of physical force or the threatened use of a deadly weapon, the
1096 court shall determine whether the victim or intended victim was a family or household member,
1097 as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a
1098 family or household member of the defendant, the court shall enter the offense, the chapter,
1099 section and subsection, if any, of the offense and the relationship of the defendant to the victim
1100 or intended victim upon the records and this entry shall be forwarded to the department of
1101 criminal justice information services for inclusion in the criminal justice information system and
1102 to provide the attorney general of the United States with information required or permitted under
1103 federal law to be included in the National Instant Criminal Background Check System or any
1104 successor system maintained to conduct background checks for firearm sales or licensing.

1105 SECTION 75. Section 15A of said chapter 265, as appearing in the 2012 Official Edition,
1106 is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof
1107 the following figure:- 18.

1108 SECTION 76. Said section 15A of said chapter 265, as so appearing, is hereby further
1109 amended by striking out, in line 43, the figure “17” and inserting in place thereof the following
1110 figure:- 18.

1111 SECTION 77. Section 15B of said chapter 265, as so appearing, is hereby amended by
1112 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-
1113 18.

1114 SECTION 78. Said chapter 265 is hereby further amended by inserting after section 15C
1115 the following 2 sections:-

1116 Section 15D. (a) Whoever commits an assault and battery upon another by discharging a
1117 firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun as defined in
1118 section 121 of chapter 140 shall be punished pursuant to subsection (b).

1119 (b) A person convicted of a violation of subsection (a) shall be punished by imprisonment
1120 in the state prison for life or for any term of years, but not less than 10 years. This sentence shall
1121 not be reduced to less than 10 years and shall not be suspended. No person convicted pursuant to
1122 this subsection shall be eligible for probation, parole, work release or furlough or shall receive
1123 any deduction from the person’s sentence for good conduct until the person has served a
1124 minimum of 10 years; provided, however, that the commissioner of correction, on the
1125 recommendation of the warden, superintendent or other person in charge of a correctional
1126 institution, may grant to a person convicted pursuant to this subsection a temporary release to the

1127 custody of an officer of the correctional institution to attend the funeral of a relative, visit a
1128 critically ill relative or obtain emergency medical or psychiatric services that are not available at
1129 the correctional institution. Prosecutions commenced pursuant to this subsection shall neither be
1130 continued without a finding nor placed on file.

1131 Section 15E. (a) Whoever attempts to commit an assault and battery upon another by
1132 means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or
1133 machine gun as defined in section 121 of chapter 140 shall be punished pursuant to subsection
1134 (b).

1135 (b) A person convicted of a violation of subsection (a) shall be punished by imprisonment
1136 in the state prison for not less than 7 years nor more than 20 years. This sentence shall not be
1137 reduced to less than 7 years and shall not be suspended. No person convicted under this section
1138 shall be eligible for probation, parole, work release or furlough or shall receive any deduction
1139 from the person's sentence for good conduct until the person has served a minimum of 7 years;
1140 provided, however, that the commissioner of correction, on the recommendation of the warden,
1141 superintendent or other person in charge of a correctional institution, may grant to a person
1142 convicted pursuant to this subsection a temporary release to the custody of an officer of the
1143 correctional institution to attend the funeral of a relative, visit a critically ill relative or obtain
1144 emergency medical or psychiatric service that are not available at the correctional institution.
1145 Prosecutions commenced pursuant to this subsection shall neither be continued without a finding
1146 nor placed on file.

1147 SECTION 79. Section 18 of said chapter 265, as appearing in the 2012 Official Edition,
1148 is hereby amended by striking out, in line 24, the word “seventeen” and inserting in place thereof
1149 the following figure:- 18.

1150 SECTION 80. Section 18B of said chapter 265, as so appearing, is hereby amended by
1151 striking out, in line 40, the figure “17” and inserting in place thereof the following figure:- 18.

1152 SECTION 81. Section 19 of said chapter 265, as so appearing, is hereby amended by
1153 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-
1154 18.

1155 SECTION 82. Section 21A of said chapter 265, as so appearing, is hereby amended by
1156 striking out the last sentence and inserting in place thereof the following sentence:- Whoever
1157 commits any offense described in this section while armed with a firearm, rifle, shotgun,
1158 machine gun or assault weapon, shall be punished by imprisonment in the state prison for not
1159 less than 7 years.

1160 SECTION 83. Section 43 of said chapter 265, as so appearing, is hereby amended by
1161 striking out, in lines 53 and 85, the word “seventeen” and inserting in place thereof, in each
1162 instance, the following figure:- 18.

1163 SECTION 84. Section 17 of chapter 266 of the General Laws, as so appearing, is hereby
1164 amended by striking out the last sentence and inserting in place thereof the following sentence:-
1165 Whoever commits any offense described in this section while armed with a firearm, rifle,
1166 shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison
1167 for not less than 7 years or in the house of correction for not less than 2 years nor more than 2½
1168 years.

1169 SECTION 85. Section 18 of said chapter 266, as so appearing, is hereby amended by
1170 striking out the last sentence and inserting in place thereof the following sentence:- Whoever
1171 commits any offense described in this section while armed with a firearm, rifle, shotgun,
1172 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less
1173 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more
1174 than 2½ years.

1175 SECTION 86. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
1176 amended by striking out, in lines 50 and 52, the word “seventeen” and inserting in place thereof,
1177 in each instance, the following figure:- 18.

1178 SECTION 87. Said section 10 of said chapter 269, as so appearing, is hereby further
1179 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1180 (j) For the purposes of this paragraph, “firearm” shall mean any pistol, revolver, rifle or
1181 smoothbore arm from which a shot, bullet or pellet can be discharged.

1182 Whoever, not being a law enforcement officer and notwithstanding any license obtained
1183 by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or
1184 other dangerous weapon in any building or on the grounds of any elementary or secondary
1185 school, college or university without the written authorization of the board or officer in charge of
1186 the elementary or secondary school, college or university shall be punished by a fine of not more
1187 than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer
1188 may arrest without a warrant and detain a person found carrying a firearm in violation of this
1189 paragraph.

1190 Any officer in charge of an elementary or secondary school, college or university or any
1191 faculty member or administrative officer of an elementary or secondary school, college or
1192 university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and
1193 punished by a fine of not more than \$500.

1194 SECTION 88. Said section 10 of said chapter 269, as so appearing, is hereby further
1195 amended by striking out, in line 188, the words “Class A or Class B”.

1196 SECTION 89. Said section 10 of said chapter 269, as so appearing, is hereby further
1197 amended by striking out, in line 212, the figure “17” and inserting in place thereof the following
1198 figure:- 18.

1199 SECTION 90. Section 10E of said chapter 269, as so appearing, is hereby amended by
1200 striking out, in lines 46 and 48, the word “seventeen” and inserting in place thereof, in each
1201 instance, the following figure:- 18.

1202 SECTION 91. Section 10F of said chapter 269, as so appearing, is hereby amended by
1203 striking out, in line 26, the figure “17” and inserting in place thereof the following figure:- 18.

1204 SECTION 92. Section 10G of said chapter 269, as so appearing, is hereby amended by
1205 striking out, in line 33, the figure “17” and inserting in place thereof the following figure:- 18.

1206 SECTION 93. Said chapter 269 is hereby further amended by inserting after section 10H
1207 the following 3 sections:-

1208 Section 10I. (a) Whoever unlawfully transports a firearm into the commonwealth to use
1209 the firearm for the commission of criminal activity shall be punished by imprisonment in the
1210 state prison for not less than 5 years nor more than 10 years.

1211 (b) Whoever unlawfully transports firearms into the commonwealth to unlawfully
1212 distribute, sell or transfer possession of any quantity of firearms to a prohibited person, as
1213 defined in section 131 of chapter 140 shall be punished by imprisonment in the state prison for
1214 not less than 10 years nor more than 20 years.

1215 (c) Whoever unlawfully transports a firearm into the commonwealth to unlawfully
1216 distribute, sell or transfer the firearm to a prohibited person, as defined in section 131 of chapter
1217 140 and if the firearm is subsequently used to cause the death of another shall be punished by
1218 imprisonment in the state prison for not less than 20 years.

1219 Section 10J. (a) Whoever in the nighttime or the daytime breaks and enters a building,
1220 ship, vessel or vehicle to steal a firearm shall be subject to a fine of not less than \$5,000 nor more
1221 than \$10,000 or by imprisonment for not less than 1 year nor more than 5 years or by both such
1222 fine and imprisonment.

1223 (b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or
1224 vehicle to steal a firearm to distribute to a prohibited person, as defined in section 131 of chapter
1225 140 shall be subject to a fine of not less than \$10,000 or by imprisonment in the state prison for
1226 not less than 5 years nor more than 10 years or by both such fine and imprisonment.

1227 (c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or
1228 vehicle to steal a firearm and in the process causes injury of another shall be subject to a fine of
1229 not less than \$10,000 or by imprisonment in the state prison for not less than 5 years nor more
1230 than 10 years or by both such fine and imprisonment.

1231 Any motor vehicle lawfully owned or operated by any person convicted pursuant to this
1232 section shall be forfeited pursuant to section 24W of chapter 90. All proceeds from the auction of

1233 the vehicle shall be deposited into the Public Safety Training Fund established under section
1234 2JJJJ of chapter 29.

1235 Section 10K. (a) Whoever in the nighttime or the daytime breaks and enters any building
1236 in which a firearm retailer, wholesaler or manufacturer conducts business shall be subject to a
1237 fine of not less than \$5,000 nor more than \$10,000 or by imprisonment in the state prison for not
1238 less than 5 years nor more than 10 years or by both such fine and imprisonment.

1239 (b) Whoever in the nighttime or the daytime breaks and enters any building in which a
1240 firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully
1241 obtain a firearm, rifle, shotgun, machine gun or ammunition shall be subject to a fine of not less
1242 than \$5,000 nor more than \$10,000 or by imprisonment for not less than 5 years nor more than
1243 10years or by both such fine and imprisonment.

1244 (c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by
1245 means of breaking and entering, in the nighttime or the daytime, any building in which a firearm
1246 retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said
1247 firearm, rifle, shotgun, machine gun or ammunition shall be subject to a fine of not less than
1248 \$10,000 or by imprisonment for not less than 10 years nor more than 20 years or by both such
1249 fine and imprisonment.

1250 SECTION 94. Subsection (7) of section 58A of chapter 276 of the General Laws, as
1251 appearing in the 2012 Official Edition, is hereby amended by striking out the second paragraph
1252 and inserting in place thereof the following 2 paragraphs:-

1253 If, after a hearing pursuant to subsection (4), the district or superior court justice makes a
1254 determination that, pending trial, the individual shall either be released on personal recognizance

1255 without surety or released on conditions of release set forth in subsection (2), the person shall
1256 have the same right to review as set forth in section 58.

1257 If, after a hearing pursuant to subsection (4), the district court justice makes a
1258 determination by clear and convincing evidence that no conditions of release reasonably assure
1259 the safety of any other person or the community and orders the detention of the person prior to
1260 trial, a justice of the superior court shall consider a petition for review under the procedures
1261 described in this section. The review shall be conducted as speedily as practicable and, in any
1262 event, within 5 business days of the filing of the petition.

1263 The justice of the superior court shall review the district court's decision only to
1264 determine whether the district court committed a clear error of fact or law that plainly affected
1265 the district court's disposition. In conducting this review, the justice of the superior court shall
1266 consider the district court's written findings of fact, the written statement of the reasons for
1267 detention if the person has been ordered detained, the written statement of the reasons for
1268 conditions of release if such conditions have been imposed and the record in the court below.
1269 The record shall include, but not be limited to: (i) a recorded copy of the hearing; (ii) police
1270 reports; (iii) a copy of the complaint; (iv) the person's criminal offender record information; and
1271 (v) any other documents submitted as evidence during the hearing.

1272 If the justice of the superior court finds that the district court committed a clear error of
1273 fact or law and that the error plainly affected the district court's disposition, the justice of the
1274 superior court may revise the disposition by ordering that the person be released on bail on
1275 personal recognizance with or without surety or may make any other order of bail or

1276 recognizance. The superior court justice may also uphold the district court's original disposition
1277 on grounds other than those originally put forth by the district court.

1278 If the superior court justice either modifies the disposition of the district court or makes a
1279 new order of pretrial detention or release upon conditions, the justice shall issue written findings
1280 describing: (i) the error that triggered the modification or issuance of a new order; and (ii) the
1281 reasons for the modification or issuance of a new order.

1282 If there is no clear error of law or fact that plainly affected the district court's disposition,
1283 the superior court justice shall remand the person in accordance with the terms on which the
1284 person was ordered committed by the district court.

1285 SECTION 95. Said section 58A of chapter 276 is hereby further amended by inserting in
1286 line 16 after the words "chapter 90," the following words:- or convicted of a violent crime as
1287 defined in said section 121 of said chapter 140 for which a term of imprisonment was served and
1288 arrested and charged with a second or subsequent offense of felony possession of a weapon or
1289 machine gun as defined in section 121 of chapter 140,.

1290 SECTION 96. (a) For purposes of this section, a person has been determined by a court,
1291 board, commission or other lawful authority to pose a serious risk of harm if the person was:

1292 (i) involuntarily committed to a psychiatric hospital pursuant to sections 7, 8 or 18A of
1293 chapter 123 of the General Laws;

1294 (ii) involuntarily committed for alcohol or substance abuse treatment under section 35 of
1295 chapter 123 of the General Laws;

1296 (iii) committed as a sexually dangerous person pursuant to chapter 123A of the General
1297 Laws;

1298 (iv) adjudicated incompetent to stand trial or not guilty by reason of mental illness under
1299 sections 15 or 16 of chapter 123 of the General Laws;

1300 (v) found not guilty by reason of lack of mental responsibility pursuant to Article 50a of
1301 the Uniform Code of Military Justice, 10 U.S.C. § 850a; or

1302 (vi) found not guilty by reason of lack of mental capacity or mental responsibility
1303 pursuant to Article 76b of said Uniform Code of Military Justice, 10 U.S.C. § 876b.

1304 (b) Notwithstanding section 36 of chapter 123 of the General Laws and, to provide a
1305 licensing authority as defined in section 121 of chapter 140 of the General Laws with
1306 information required or permitted to be considered pursuant to state law to conduct background
1307 checks for firearms sales or licensing and to provide the attorney general of the United States
1308 with information required or permitted under federal law to be included in the National Instant
1309 Criminal Background Check System maintained to conduct background checks for firearms sales
1310 or licensing, the department of mental health shall, within 180 days of the effective date of this
1311 section, transmit to the department of criminal justice information services sufficient information
1312 to identify all persons known to the department to have been, within 20 years preceding the
1313 effective date of this section: (i) committed to psychiatric hospital, including commitments for
1314 mental illness pursuant to section 7, 8, 15 or 18 or subsection (b) or (c) of section 16 of said
1315 chapter 123 of the General Laws or a commitment for substance abuse or alcoholism pursuant to
1316 section 35 of said chapter 123 of the General Laws; or (ii) determined by a court, board,
1317 commission or other lawful authority to pose a serious risk of harm.

1318 The department shall provide no more information than is necessary for the purpose stated above
1319 and the information shall not be considered a public record under clause Twenty-sixth of section
1320 7 of chapter 4 of the General Laws.

1321 SECTION 97. Notwithstanding any general or special law to the contrary, a person
1322 licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of the
1323 effective date of this section, obtain from the department of criminal justice information services
1324 all available criminal offender record information, as defined in section 167 of chapter 6 of the
1325 General Laws and authorized pursuant to clause (31) of subsection (a) of section 172 of said
1326 chapter 6, for current employees to determine the continued suitability of employees who may
1327 have direct and unmonitored contact with firearms, shotguns or rifles.

1328 SECTION 98. Notwithstanding any general or special law to the contrary, neither a
1329 licensing authority as defined in section 121 of chapter 140 of the General Laws nor the colonel
1330 of state police shall issue, renew or accept application for a Class B license to carry pursuant to
1331 sections 131 or 131F of said chapter 140 as of the effective date of this section; provided,
1332 however, that any Class B license issued pursuant to said sections 131 or 131F of said chapter
1333 140 prior to the effective date of this section shall remain in effect, subject to any restrictions or
1334 conditions set forth in any general or special law until the date on which the Class B license is set
1335 to expire or July 31, 2020, whichever occurs first; and provided further, that any application for
1336 renewal of a Class B license filed after the effective date of this section shall not extend the
1337 license beyond the stated expiration date pursuant to said section 131 of said chapter 140 and the
1338 Class B license shall expire on the anniversary of the licensee's date of birth occurring not less
1339 than 5 years but not more than 6 years from the date of issue or January 1, 2021, whichever
1340 occurs first.

1341 SECTION 99. By December 3, 2014, the department of elementary and secondary
1342 education shall adopt rules and regulations pursuant to section 95 of chapter 71 of the General
1343 Laws requiring that all public school districts shall provide suicide awareness and prevention
1344 training. School personnel hired after the effective date of this section but before December 3,
1345 2014 shall obtain the training by March 4, 2015.

1346 SECTION 100. Sections 1, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 23, 25, 28, 29, 32,
1347 34, 36, 36A, 37, 39, 40, 41, 42, 43, 44, 47, 49, 50, 52, 55, 56, 60, 61, 63, 67, 68, 70, 71, 73, 74,
1348 78, 82, 84, 85, 87, 93, 94 and 95 shall take effect on January 1, 2015.

1349 SECTION 101. Sections 26 and 27 shall take effect on March 1, 2015; provided,
1350 however, that the chief information officer of the commonwealth, in conjunction with the
1351 secretary of public safety and security, shall procure any necessary information technology
1352 services to implement the real time web portal pursuant to said section 27 by October 1, 2014.

1353 SECTION 102. The first report under clause (10) of section 18 $\frac{3}{4}$ of chapter 6A of the
1354 General Laws shall be due not later than March 1, 2016.

1355 SECTION 103. Section 30 is hereby repealed.

1356 SECTION 104. Sections 21, 22, 31, 38, 45, 46, 48, 51, 53, 57, 58, 59, 62, 66, 69, 88 and
1357 103 shall take effect on January 1, 2021.