

# SENATE . . . . . No. 2284

Senate, July 17, 2014— Text of the Senate amendment to the House Bill House Bill relative to the reduction of gun violence (House, No. 4285) (being the text of Senate, No. 2265, printed as amended)

## 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  
4 transmit to the attorney general of the United States any information in its control required or  
5 permitted under federal law to be included in the National Instant Criminal Background Check  
6 System or any successor system maintained to conduct background checks for firearms sales or  
7 licensing. No more information than is necessary for the purposes stated above shall be  
8 transmitted and such information shall not be considered a public record under clause Twenty-  
9 sixth of section 7 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 <sup>3</sup>/<sub>4</sub> 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  
26 and senate, the house and senate committees on ways and means and the house and senate chairs  
27 of the joint committee on public safety and homeland security not later than March 1 of every  
28 even-numbered year. The report shall contain, but not be limited to, the following information:  
29 (i) statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses,  
30 to serve as an examination of the effectiveness of the commonwealth's firearms-related  
31 regulations; (iii) aggregate data on the source of firearms that have been confiscated and  
32 identified as being used in a crime or in an attempted or completed suicide during the report  
33 period, including aggregate information on the manufacturer, state of origin and last known point  
34 of sale, transfer, loss or theft of such firearms; (iv) an explanation of substantial changes in state  
35 and federal firearms-related laws and firearms-related statistics in the commonwealth; (v)  
36 information and statistics concerning the number of transactions annually involving multiple  
37 purchases of firearms or the purchase by the same licensee of 5 or more firearms in a 4-month  
38 period including an analysis of whether such firearms were used in a crime as identified and  
39 reported on in section 131Q of chapter 140; and (vi) the effectiveness of section 128B of chapter  
40 140.

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

43 Subject to appropriation, the commonwealth fusion center shall assist the offices of the  
44 attorney general and district attorneys in the investigation and prosecution of state firearm  
45 crimes; provided, however, that the colonel may establish within the division a special unit  
46 known as the criminal firearms and trafficking unit to assist the offices of the attorney general  
47 and district attorneys in the investigation and prosecution of state firearm crimes.

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

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

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

63 There shall be a school building advisory board comprised of: the state auditor or a  
64 designee; the inspector general or a designee; the superintendent of the state police or a designee;  
65 the state fire marshal or a designee; the director of the Massachusetts emergency management  
66 agency; the executive director of the authority, who shall serve as the secretary to the advisory  
67 board and shall be a nonvoting member of the board; and 17 members to be appointed by and  
68 represent the following nongovernmental organizations: Massachusetts Municipal Association,  
69 Inc., Massachusetts Association of School Committees, Inc., the Massachusetts Mayors  
70 Association, Inc., Massachusetts Association of School Superintendents, Inc., Massachusetts  
71 Association of Regional Schools, Inc., Massachusetts Building Trades Council, the  
72 Massachusetts chapter of Associated Builders & Contractors, Inc., Massachusetts Alliance for  
73 Small Contractors, American Council of Engineering Companies of Massachusetts, Associated  
74 Subcontractors of Massachusetts, Inc., American Institute of Architects-Massachusetts,  
75 Massachusetts Smart Growth Alliance, Massachusetts Taxpayers Foundation, Inc., Associated  
76 General Contractors of Massachusetts, Inc., Massachusetts Chiefs of Police Association  
77 Incorporated, Fire Chiefs' Association of Massachusetts, Inc. and acting jointly, the  
78 Massachusetts Teachers Association and Massachusetts Federation of Teachers. The advisory  
79 board shall assist the authority in the development of general policy regarding school building  
80 construction, renovation, reconstruction, maintenance and facility space, preservation of open  
81 space and minimization of loss of open space, thoughtful community development, cost  
82 management, adequate provisions for safety and security and shall provide technical advice and  
83 input to the authority. The advisory board shall meet at least quarterly.

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

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

89 Section 20. The authority shall, in cooperation with a school district or municipality,  
90 submit plans or blueprints approved by the authority, associated with approved construction,  
91 renovation or reconstruction of a school building, to the local police department, fire department,  
92 Massachusetts emergency management agency and any regional law enforcement entity. The  
93 plans shall identify points of entry into a school building, emergency access routes for ingress or  
94 egress and other public safety features, including, but not limited to: fire hydrants, utility access  
95 points and stairwells. Any department in receipt of such plans may submit comments to the  
96 authority and school district. Upon completion of the approved construction, the authority shall,  
97 in cooperation with a school district or municipality, submit updated, as-built plans to the local  
98 police department, fire department, Massachusetts emergency management agency and any

99 regional law enforcement entity, a copy of which shall be maintained on file by each department  
100 or agency in receipt of the plans. Plans submitted pursuant to this section shall be deemed  
101 confidential and shall not be considered public records under clause Twenty-sixth of section 7 of  
102 chapter 4.

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

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

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

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

114 (b) Every chief of police, in consultation with the superintendent and subject to  
115 appropriation, shall assign at least 1 school resource officer to serve the city, town, regional  
116 school district or county agricultural school. In the case of a regional school district, a  
117 commonwealth charter school or county agriculture school, the chief of police of the city or town  
118 where the school is located, in consultation with the superintendent, shall assign the school  
119 resource officer, which may be the same officer for all schools in the city or town.

120 In assigning a school resource officer, the chief of police shall consider candidates that  
121 the chief believes would strive to foster an optimal learning environment and educational  
122 community; provided, however, that the chief of police shall give preference to candidates who  
123 have received specialized training in child and adolescent development, de-escalation and  
124 conflict resolution techniques with children and adolescents, behavioral health disorders in  
125 children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and  
126 behavioral threat assessment methods. The assignment shall not be based solely on seniority. The  
127 performance of school resource officers shall be reviewed annually by the superintendent and the  
128 chief of police. There shall be placed on file in the office of the superintendent and the chief of  
129 police a memorandum of understanding clearly defining the role and duties of the school  
130 resource officer.

131 (c) Upon written application by a school department, in consultation with the chief of  
132 police, of a city or town, a regional school district or a county agricultural school, the  
133 commissioner of elementary and secondary education may waive the requirements of this section  
134 if the secretary believes a school resource officer would not assist that particular city or town,

135 regional school district or county agricultural school to ensure school safety. The written  
136 application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting  
137 the waiver request; and (iii) a description of, and supporting data for, alternative procedures and  
138 resources relied upon to ensure safe schools.

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

141 (e) Notwithstanding subsection (b), if the chief of police, in consultation with the  
142 superintendent, determines that there are not sufficient resources to assign a school resource  
143 officer to serve the city, town, regional school district or county agricultural school, the chief of  
144 police shall consult with the department of state police to ensure that a school resource officer is  
145 assigned, subject to appropriation; provided further, that if a state police officer is assigned to a  
146 city, town, regional school district or county agricultural school, assignment shall not be based  
147 solely on seniority and a candidate shall be considered who would strive to foster an optimal  
148 learning environment and educational community; provided further, that there shall be placed on  
149 file in the office of the superintendent and the department of state police a memorandum of  
150 understanding clearly defining the roles and duties of the school resource officer.

151 (f) No public employer shall be liable for injury, loss of property, personal injury or death  
152 caused by an act or omission of a public employee while acting in the scope of the public  
153 employee's employment and arising out of the implementation of this section. This section shall  
154 not be construed as creating or imposing a specific duty of care.

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

157 "Approved private day or residential school", a school that accepts, through agreement  
158 with a school committee, a child requiring special education pursuant to section 10 of chapter  
159 71B.

160 "Charter school", commonwealth charter schools and Horace Mann charter schools  
161 established pursuant to section 89.

162 "Collaborative school", a school operated by an educational collaborative established  
163 pursuant to section 4E of chapter 40.

164 "Plan", a mental health support plan established pursuant to subsection (b).

165 "School district", the school department of a city or town, a regional school district or a  
166 county agricultural school.

167 (b) Each school district, charter school, approved private day or residential school and  
168 collaborative school shall develop and adhere to a plan to address the general mental health

169 needs of its students, including the students' families, teachers and school administrators. Each  
170 plan shall also address the potential need for emergency and acute treatment for students,  
171 including the students' families, teachers and school administrators, as a result of a tragedy or  
172 crisis within the district or school. Before September 1 of each year, each school district, charter  
173 school, approved private day or residential school and collaborative school shall review and  
174 update its plan to achieve best practices.

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

177 (d) No public employer shall be liable for injury, loss of property, personal injury or  
178 death caused by an act or omission of a public employee while acting in the scope of the public  
179 employee's employment and arising out of the implementation of this section. This section shall  
180 not be construed as creating or imposing a specific duty of care.

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

183 "School", a school administered by a school department of a city or town or regional  
184 school district, a county agricultural school, a commonwealth charter school or Horace Mann  
185 charter school established pursuant to section 89 or an educational collaborative established  
186 pursuant to section 4E of chapter 40.

187 "Two-way communication device", a device capable of transmitting, conveying or  
188 routing real-time, 2-way voice communications through radio frequency.

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

192 (c) No public employer shall be liable for injury, loss of property, personal injury or  
193 death caused by an act or omission of a public employee while acting in the scope of the public  
194 employee's employment and arising out of the implementation of this section. This section shall  
195 not be construed as creating or imposing a specific duty of care.

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

198 Section 95. (a) The department, subject to appropriation, shall adopt rules to require that  
199 all public school districts provide at least 2 hours of suicide awareness and prevention training  
200 every 3 years to all licensed school personnel. A new hire shall obtain the training within 1 year  
201 of being hired. The training shall be provided within the framework of existing in-service  
202 training programs offered by the department or as part of required professional development  
203 activities.

204 (b) The department shall, in consultation with the department of public health and suicide  
205 prevention experts, develop a list of approved training materials to fulfill the requirements of this  
206 section. Approved materials shall include training on how to identify appropriate mental health  
207 services, both within the school and the larger community, and when and how to refer students  
208 and their families to those services.

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

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

214 SECTION 12. Chapter 111 of the General Laws is hereby amended by adding the  
215 following 2 sections:-

216 Section 232. The department of public health, in consultation with the executive office of  
217 public safety and security, shall, subject to appropriation, collect, record and analyze data on all  
218 suicides in the commonwealth. Data collected for each incident shall include, to the extent  
219 possible and with respect to all applicable privacy protection laws, the following: (i) the means  
220 of the suicide; (ii) the source of the means of the suicide; (iii) the length of time between  
221 purchase of the means and the death of the decedent; (iv) the relationship of the owner of the  
222 means to the decedent; (v) whether the means was legally obtained and owned pursuant to the  
223 laws of the commonwealth; (vi) a record of past suicide attempts by the decedent; and (vii) a  
224 record of past mental health treatment of the decedent.

225 The department shall annually submit a report, which shall include aggregate data  
226 collected for the preceding calendar year and the department's analysis, with the clerks of the  
227 house of representatives and the senate and the executive office of public safety and security not  
228 later than December 31. Names, addresses or other identifying factors shall not be included.

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

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

234 Section 233. The department shall direct the division of violence and injury prevention to  
235 develop educational materials on harm reduction, which shall be discussed and distributed by the  
236 instructor to every participant in a hunter education course as provided in section 14 of chapter  
237 131 and to every participant in a basic firearms safety course as provided in section 131P of  
238 chapter 140.

239 The educational materials shall promote suicide prevention through safe practices by  
240 firearms owners to reduce access to lethal means. The materials shall include, but shall not be  
241 limited to, information on: (i) the prevalence of firearms suicide as compared to other forms of  
242 firearms violence, including demographic trends; (ii) the risks of injury and suicide that may be  
243 associated with household firearms, including the rate of survival for suicide attempts by firearm  
244 as compared to other means of attempted suicide; (iii) best practices for identifying and reducing  
245 the risk of suicide involving household firearms; (iv) available resources to learn more about safe  
246 practices and suicide prevention; and (v) additional information determined by the commissioner  
247 to be relevant for these purposes.

248 The department shall further direct the division to develop a notice providing information  
249 on suicide prevention, which shall be available on the website of the department and shall be  
250 posted and distributed pursuant to clause Fourteenth of section 123 of said chapter 140. The  
251 notice shall include, but not be limited to, information on signs and symptoms of depression, the  
252 state and federal suicide prevention hotlines and resources for a person at risk of suicide.

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

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

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

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

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

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

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

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

278 SECTION 13A. Section 121 of chapter 140, as appearing in the 2012 Official Edition, is  
279 hereby amended by inserting after the definition of “Conviction” the following definition:-

280 “Deceptive weapon device”, any device or item used in the commission of a violent  
281 crime that is intended to convey the presence of a weapon to a potential victim or law  
282 enforcement officer; provided, however, that a deceptive weapon device shall include, but shall  
283 not limited to, a common air gun, toy gun or substance carved or fashioned to resemble a  
284 weapon.

285 SECTION 14. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby  
286 amended by adding the following 4 paragraphs:-

287 The court, in its order, shall specify whether such commitment is based upon a finding  
288 that the person is a person with an alcohol use disorder, substance use disorder, or both. The  
289 court, upon ordering the commitment of a person found to be a person with an alcohol use  
290 disorder or substance use disorder pursuant to this section, shall transmit the person's name and  
291 nonclinical identifying information, including the person's social security number and date of  
292 birth, to the department of criminal justice information services. The court shall notify the person  
293 that such person is prohibited from being issued a firearm identification card pursuant to section  
294 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140  
295 unless a petition for relief pursuant to this section is subsequently granted.

296 After 5 years from the date of commitment, a person found to be a person with an alcohol  
297 use disorder or substance use disorder and committed pursuant to this section may file a petition  
298 for relief with the court that ordered the commitment requesting that the court restore the  
299 person's ability to possess a firearm, rifle or shotgun. When such a petition is filed, the court  
300 shall notify the chief of police in the city or town where the person resides. The court may grant  
301 the relief sought in accordance with the principles of due process if the circumstances regarding  
302 the person's disqualifying condition and the person's record and reputation are determined to be  
303 such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii)  
304 the granting of relief would not be contrary to the public interest. In making the determination,  
305 the court shall consider relevant information provided by the chief of police in the city or town  
306 where the person resides and may consider evidence from a licensed physician or clinical  
307 psychologist that the person is no longer suffering from the disease or condition that caused the  
308 disability or that the disease or condition has been successfully treated for a period of 3  
309 consecutive years.

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

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

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

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

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

333 Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8  
334 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of  
335 section 16, shall transmit the person's name and nonclinical, identifying information, including  
336 the person's social security number and date of birth, to the department of criminal justice  
337 information services. The court shall notify the person that such person is prohibited from being  
338 issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry  
339 pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief is subsequently  
340 granted pursuant to subsection (b).

341 (b) After 5 years from the date of commitment, a person committed pursuant to sections  
342 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c)  
343 of section 16 may file a petition for relief with the court that ordered the commitment requesting  
344 the court to restore the person's ability to possess a firearm. The court may grant the relief sought  
345 in accordance with the principles of due process if the circumstances regarding the person's  
346 disqualifying condition and the person's record and reputation are determined to be such that: (i)

347 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting  
348 of relief would not be contrary to the public interest. In making the determination, the court shall  
349 consider relevant information provided by the chief of police in the city or town where the  
350 person resides and may consider evidence from a licensed physician or clinical psychologist that  
351 the person is no longer suffering from the disease or condition that caused the disability or that  
352 the disease or condition has been successfully treated for a period of 3 consecutive years.

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

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

358 SECTION 17. The first paragraph of section 14 of chapter 131 of the General Laws, as  
359 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence  
360 the following sentence:- The course shall also include, with respect to the safe handling of  
361 firearms, the program of instruction on harm reduction developed by the division on violence  
362 and injury prevention within the department of public health.

363 SECTION 18. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby  
364 amended by striking out, in line 1, the figure "131P" and inserting in place thereof the following  
365 figure:- 131Q.

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

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

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

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

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

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

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

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

397 (ii) in another state or federal jurisdiction, has been convicted or adjudicated a youthful  
398 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable  
399 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a  
400 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
401 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
402 may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled  
403 substance as defined in section 1 of chapter 94C; provided, however, that, except for the  
404 commission of a violent crime or a crime involving the trafficking of weapons or controlled  
405 substances, if the person has been so convicted or adjudicated or released from confinement,  
406 probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5  
407 or more years immediately preceding the purchase or possession and that applicant's right or  
408 ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject  
409 conviction or adjudication was entered, then that person may purchase or possess self-defense  
410 spray;

411 (iii) has been committed to any hospital or institution for mental illness unless the person  
412 obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical  
413 psychologist attesting that such physician or psychologist is familiar with the applicant's mental  
414 illness and that in the physician's or psychologist's opinion the applicant is not disabled by such  
415 an illness in a manner that shall prevent the applicant from possessing self-defense spray;

416 (iv) is or has been in recovery from or committed based upon a finding that the person is  
417 a person with an alcohol use disorder or a substance use disorder or both unless a licensed

418 physician or clinical psychologist deems such person to be in recovery from such condition, in  
419 which case, such person may purchase or possess self-defense spray after 5 years from the date  
420 of such confinement or recovery; provided, however, that prior to such purchase or possession of  
421 self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or  
422 clinical psychologist attesting that such physician or psychologist knows the person's history of  
423 treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

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

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

428 (vii) is an alien who does not maintain lawful permanent residency or is an alien not  
429 residing under a visa pursuant to 8 U.S.C § 1101(a)(15)(U), or is an alien not residing under a  
430 visa pursuant to 8 U.S.C. § 1154(a)(1)(B)(ii)(I) or is an alien not residing under a visa pursuant  
431 to 8 U.S.C. § 1101(a)(15)(T)(i)(I)-(IV);

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

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

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

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

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

446 SECTION 23. Said section 123 of said chapter 140, as so appearing, is hereby further  
447 amended by inserting after the word "height", in line 127, the following words:- , and further that  
448 the licensee shall conspicuously post and distribute at each purchase counter a notice providing  
449 information on suicide prevention developed and provided by the division on violence and injury  
450 prevention within the department of public health. The department of public health shall develop  
451 and make available on its website for download a sign providing the information on suicide  
452 prevention.

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

456 Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i)  
457 a firearm lawfully owned or possessed under a license issued under this chapter on or before  
458 October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of  
459 the gun control advisory board, established pursuant to section 131½ of chapter 140, as a  
460 firearm solely designed and sold for formal target shooting competition; or (iii) a firearm  
461 designated by the secretary of public safety, with the advice of the gun control advisory board,  
462 established pursuant to section 131 ½ of chapter 140, as a firearm or pistol solely designed and  
463 sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-  
464 annual basis, of firearms designated as “formal target shooting firearms” and “Olympic  
465 competition firearms” in accordance with this paragraph. Such lists shall be made available for  
466 distribution by the executive office of public safety and security.

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

469 SECTION 26. Section 128A of said chapter 140, as so appearing, is hereby amended by  
470 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident  
471 reports within seven days, in writing to the commissioner of the department of criminal justice  
472 information services on forms furnished by said executive director, the names and addresses of  
473 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,  
474 together with a complete description of the firearm, rifle or shotgun, including its designation as  
475 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's  
476 license to carry firearms number, permit to purchase number and identifying number of such  
477 documentation as is used to establish exempt person status in the case of a firearm or the  
478 purchaser's license to carry number or firearm identification card number or said document  
479 identity number, in the case of a rifle or shotgun”.

480 SECTION 27. Said section 128A of said chapter 140, as so appearing, is hereby further  
481 amended by adding the following 4 sentences:- Any sale or transfer conducted pursuant to this  
482 section shall comply with section 131E and shall, prior to or at the point of sale, be conducted  
483 over a real time web portal developed by the department of criminal justice information services.  
484 The department of criminal justice information services shall require each person selling or  
485 transferring a firearm, shotgun or rifle pursuant to this section to electronically provide, through  
486 the portal, such information as is determined to be necessary to verify the identification of the  
487 seller and purchaser and ensure that the sale or transfer complies with this section. Upon  
488 submission of the required information, the portal shall automatically review such information  
489 including, but not limited to, a review of the National Instant Criminal Background Check  
490 System or any other appropriate databases and display a message indicating whether the seller

491 may proceed with the sale or transfer and shall provide any further instructions for the seller as  
492 determined to be necessary by the department of criminal justice information services. The  
493 department of criminal justice information services shall keep a record of any sale or transfer  
494 conducted pursuant to this section and shall provide the seller and purchaser with verification of  
495 such sale or transfer.

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

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

503 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful  
504 offender or delinquent child or both as defined in section 52 of chapter 119, for the commission  
505 of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a  
506 violent crime as defined in section 121; (D) a violation of a law regulating the use, possession,  
507 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
508 ammunition for which a term of imprisonment may be imposed; (E) a violation of a law  
509 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter  
510 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor  
511 crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except  
512 for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a  
513 crime involving the trafficking of controlled substances, if the applicant has been so convicted or  
514 adjudicated or released from confinement, probation or parole supervision for such conviction or  
515 adjudication, whichever occurs last, for 5 or more years immediately preceding such application,  
516 then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be  
517 deemed restored in the commonwealth with respect to such conviction or adjudication and that  
518 conviction or adjudication shall not disqualify the applicant for a firearm identification card;

519 (ii) has, in another state or federal jurisdiction, been convicted or adjudicated a youthful  
520 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable  
521 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a  
522 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
523 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
524 may be imposed; (e) a violation of a law regulating the use, possession or sale of controlled  
525 substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under  
526 said chapter 94C; or (f) a misdemeanor crime of domestic violence as defined in 18 U.S.C.  
527 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime  
528 of domestic violence, a violent crime or a crime involving the trafficking of weapons or

529 controlled substances, if the applicant has been so convicted or adjudicated or released from  
530 confinement, probation or parole supervision for such conviction or adjudication, whichever  
531 occurs last, for 5 or more years immediately preceding such application and the applicant's right  
532 or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the  
533 conviction or adjudication was entered, then the conviction or adjudication shall not disqualify  
534 such applicant for a firearm identification card;

535 (iii) is or has been: (1) except in the case of a commitment pursuant to sections 35 or 36C  
536 of chapter 123, committed to a hospital or institution for mental illness, alcohol or substance  
537 abuse, unless after 5 years from the date of the confinement, the applicant submits with the  
538 application an affidavit of a licensed physician or clinical psychologist attesting that such  
539 physician or psychologist is familiar with the applicant's mental illness, alcohol or substance  
540 abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a  
541 mental illness, alcohol or substance abuse in a manner that should prevent the applicant from  
542 possessing a firearm, rifle or shotgun; (2) committed by an order of a court to a hospital or  
543 institution for mental illness, unless the applicant was granted a petition for relief of the court's  
544 order pursuant to section 36C of chapter 123 and submits a copy of the order for relief with the  
545 application; (3) subject to an order of the probate court appointing a guardian or conservator for a  
546 incapacitated person on the grounds that that applicant lacks the mental capacity to contract or  
547 manage affairs, unless the applicant was granted a petition for relief pursuant to section 56C of  
548 chapter 215 and submits a copy of the order for relief with the application; or (4) found to be a  
549 person with an alcohol use disorder or substance use disorder or both and committed pursuant to  
550 section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's  
551 order pursuant to said section 35 of said chapter 123 and submits a copy of the order for relief  
552 with the application;

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

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

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

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

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

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

567 (x) is a fugitive from justice; or

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

569 SECTION 29. Paragraph (2) of said section 129B of said chapter 140, as so appearing,  
570 is hereby amended by adding the following 2 sentences:- The licensing authority shall provide to  
571 the applicant a receipt indicating that it received the applicant's application. The receipt shall be  
572 provided to the applicant within 7 days by mail if the application was received by mail or  
573 immediately if the application was made in person; provided, however, that the receipt shall  
574 include the applicants' name, address, current firearm identification card number, if any, the  
575 current card's expiration date, if any, the date when the application was received by the licensing  
576 authority, the name of the licensing authority and its agent that received the application, the  
577 licensing authority's address and telephone number, the type of application and whether it is an  
578 application for a new card or for renewal of an existing card; and provided further, that a copy of  
579 the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be  
580 furnished to the applicant if requested by the applicant.

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

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

586 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large  
587 capacity firearm or large capacity feeding device therefor, except under a license issued to a  
588 shooting club as provided under section 131 or under the direct supervision of a holder of a  
589 license issued to an individual under said section 131 at an incorporated shooting club or  
590 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or  
591 large capacity feeding device therefor, except under a license issued to a shooting club as  
592 provided under said section 131 or under the direct supervision of a holder of a license issued to  
593 an individual under said section 131 at an incorporated shooting club or licensed shooting range.  
594 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that  
595 is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued  
596 pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess  
597 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to  
598 temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall  
599 not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or  
600 transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined  
601 in section 121.

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

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

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

617 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period  
618 of not more than 6 years from the date of issuance, except that if the cardholder applied for  
619 renewal before the card expired, the card shall remain valid after the expiration date on the card  
620 for all lawful purposes, until the application for renewal is approved or denied; provided,  
621 however, if the cardholder is on active duty with the armed forces of the United States on the  
622 expiration date of the card, the card shall remain valid until the cardholder is released from active  
623 duty and for a period of not less than 180 days following such release, except that if the  
624 cardholder applied for renewal prior to the end of such period, the card shall remain valid after  
625 the expiration date on the card for all lawful purposes, until the application for renewal is  
626 approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of  
627 criminal justice information services shall send electronically or by first class mail to the holder  
628 of a firearm identification card, a notice of the expiration of the card not less than 90 days before  
629 its expiration and shall enclose with the notice a form for the renewal of the card. The form for  
630 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not  
631 lost a firearm or had a firearm stolen from the applicant's possession or has properly reported the  
632 loss or theft of any firearm since the date of the applicant's last renewal or issuance and there  
633 shall be space to specify the number of such firearms lost or stolen. The commissioner of  
634 criminal justice information services shall include in the notice all pertinent information about  
635 the penalties that may be imposed if the firearm identification card is not renewed. The  
636 commissioner of criminal justice information services shall provide electronic notice of  
637 expiration only upon the request of a cardholder. A request for electronic notice of expiration  
638 shall be forwarded to the department on a form furnished by the commissioner. Any electronic  
639 address maintained by the department to provide electronic notice of expiration shall be

640 considered a firearms record and shall not be disclosed except as provided in section 10 of  
641 chapter 66.

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

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

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

653 SECTION 37. The third paragraph of section 129C of said chapter 140, as so appearing,  
654 is hereby amended by striking out the last sentence and inserting in place thereof the following 2  
655 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun  
656 or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to  
657 the commissioner of the department of criminal justice information services and the licensing  
658 authority in the city or town where the owner resides shall be punished by a fine of not less than  
659 \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than  
660 \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or  
661 imprisonment for not less than 1 year nor more than 5 years, or by both such fine and  
662 imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for  
663 suspension or permanent revocation of a person's firearm identification card or license to carry  
664 firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary,  
665 no person, who in good faith, reports a loss or theft under this paragraph for the first time shall  
666 be subject to suspension, revocation or be considered unsuitable under section 131 for the  
667 renewal of a lawfully held firearm identification card or license to carry firearms; provided,  
668 however, that persons reporting loss or theft under this paragraph or under section 129B on a  
669 second or subsequent occasion may be subject to suspension, revocation or be considered  
670 unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or  
671 license to carry firearms.

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

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

678 SECTION 39. Section 129D of said chapter 140, as so appearing, is hereby amended by  
679 striking out the first paragraph and inserting in place thereof the following paragraph:-

680 Upon revocation, suspension or denial of an application for a firearm identification card  
681 pursuant to section 129B or for any firearms license if the firearm identification card is not then  
682 in force or for any machine gun license, the person whose application was so revoked, suspended  
683 or denied shall without delay deliver or surrender to the licensing authority where the person  
684 resides all firearms, rifles, shotguns and machine guns and ammunition which the person then  
685 possesses unless an appeal of the revocation or suspension is pending. The person or the  
686 person's legal representative shall have the right, at any time up to 1 year after the delivery or  
687 surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any  
688 licensed dealer or any other person legally permitted to purchase or take possession of the  
689 firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by  
690 the purchaser or transferee and the former owner, the licensing authority shall within 10 days  
691 deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or  
692 purchaser and the licensing authority shall observe due care in the receipt and holding of any  
693 such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the  
694 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in  
695 violation of section 129C transfer the firearms, rifles, shotguns or machine guns or ammunition  
696 to the former owner. The licensing authority shall at the time of delivery or surrender inform the  
697 person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer  
698 the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or other  
699 person legally permitted to purchase or take possession.

700 SECTION 40. The third paragraph of said section 129D of said chapter 140, as so  
701 appearing, is hereby amended by adding the following words:- ; provided, however, that no  
702 firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out  
703 a criminal act pursuant to section 131Q shall be sold at public auction pursuant to this section.

704 SECTION 41. Said section 129D of said chapter 140, as so appearing, is hereby further  
705 amended by inserting after the third paragraph the following paragraph:-

706 If the licensing authority cannot reasonably ascertain a lawful owner within 180 days of  
707 acquisition by the authority, the authority may, in its discretion, trade or dispose of surplus,  
708 donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly  
709 licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or  
710 credited to the municipality in which the authority presides to purchase weapons, equipment or  
711 supplies or for violence reduction or suicide prevention; provided, however, that no firearm,

712 rifle, shotgun or machine gun or ammunition classified as having been used to carry out a  
713 criminal act pursuant to section 131Q shall be considered surplus, donated, abandoned or junk  
714 for the purposes of this section.

715 SECTION 42. Said chapter 140 is hereby further amended by striking out section 130  
716 and inserting in place thereof the following 2 sections:-

717 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to an alien 18  
718 years of age or older who does not hold a permit card issued to that alien pursuant to section  
719 131H or, except as provided in this section or section 131E, whoever sells or furnishes an alien  
720 or a person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells  
721 or furnishes to a person under 21 years of age a firearm or large capacity rifle or shotgun or  
722 ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or  
723 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date  
724 of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000,  
725 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of  
726 correction for not more than 2½ years or by both such fine and imprisonment.

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

732 SECTION 43. Section 131 of said chapter 140, as appearing in the 2012 Official Edition,  
733 is hereby amended by striking out, in lines 1 and 2, the words "All licenses to carry firearms  
734 shall be designated Class A or Class B, and the issuance and possession of any such license" and  
735 inserting in place thereof the following words:- The issuance and possession of a license to carry  
736 firearms.

737 SECTION 44. Said section 131 of said chapter 140, as so appearing, is hereby further  
738 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the  
739 following 3 paragraphs:-

740 (a) A license shall entitle a holder of a license to purchase, rent, lease, borrow, possess  
741 and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition  
742 therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or  
743 carrying of firearms as the licensing authority considers proper; and (ii) rifles and shotguns,  
744 including large capacity weapons and feeding devices and ammunition therefor, for all lawful  
745 purposes; provided, however, that the licensing authority may impose such restrictions relative to  
746 the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A  
747 violation of a restriction imposed by the licensing authority under this paragraph shall be cause  
748 for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not

749 less than \$1,000 nor more than \$10,000; provided, however, that section 10 of chapter 269 shall  
750 not apply to a violation of this paragraph.

751 (b) The colonel of state police may, after an investigation, grant a license to a club or  
752 facility with an on-site shooting range or gallery, which club is incorporated under the laws of  
753 the commonwealth for the possession, storage and use of large capacity weapons, ammunition  
754 therefor and large capacity feeding devices for use with such weapons on the premises of the  
755 club; provided, however, that not less than 1 shareholder of the club shall be qualified and  
756 suitable to be issued a license; and provided further, that such large capacity weapons and  
757 ammunition feeding devices may be used under the club license only by a member that possesses  
758 a valid firearm identification card issued pursuant to section 129B or a valid license to carry  
759 firearms or by such other person that the club permits while under the direct supervision of a  
760 certified firearms safety instructor or club member who, in the case of a large capacity firearm,  
761 possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun,  
762 possesses a valid license to carry firearms. The club shall not permit shooting at targets that  
763 depict human figures, human effigies, human silhouettes or any human images thereof, except by  
764 public safety personnel performing in line with their official duties.

765 No large capacity weapon or large capacity feeding device shall be removed from the  
766 premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport  
767 the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on  
768 the premises of another club incorporated under the laws of the commonwealth and to transport  
769 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted  
770 under the supervision of or approved by a public law enforcement agency or a nationally or state  
771 recognized entity that promotes proficiency in or education about semiautomatic weapons and to  
772 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or  
773 feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding  
774 device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be  
775 secured in a locked container and shall be unloaded during any lawful transport. The clerk or  
776 other corporate officer of the club shall annually file a report with the colonel of state police and  
777 the commissioner of criminal justice information services listing all large capacity weapons and  
778 large capacity feeding devices owned or possessed under the license. The colonel or a designee  
779 may inspect all firearms owned or possessed by the club upon request during regular business  
780 hours and the colonel may revoke or suspend a club license for a violation of this chapter or  
781 chapter 269 relative to the ownership, use or possession of large capacity weapons or large  
782 capacity feeding devices.

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

786 SECTION 45. Said section 131 of said chapter 140, as so appearing, is hereby further  
787 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

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

797 A prohibited person shall be a person who:

798 (i) has, in a court of the commonwealth, been convicted or adjudicated a youthful  
799 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of  
800 (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a  
801 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,  
802 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
803 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law  
804 regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter  
805 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of  
806 domestic violence as defined in 18 U.S.C. 921(a)(33);

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

816 (iii) is or has been (A) committed to a hospital or institution for mental illness, alcohol or  
817 substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless  
818 after 5 years from the date of the confinement the applicant submits with the application an  
819 affidavit of a licensed physician or clinical psychologist attesting that such physician or  
820 psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in  
821 the physician's or psychologist's opinion, the applicant is not disabled by a mental illness,  
822 alcohol or substance abuse in a manner that shall prevent the applicant from possessing a

823 firearm, rifle or shotgun; (B) committed by a court order to a hospital or institution for mental  
824 illness, unless the applicant was granted a petition for relief of the court order pursuant to said  
825 section 36C of said chapter 123 and submits a copy of the court order with the application; (C)  
826 subject to an order of the probate court appointing a guardian or conservator for a incapacitated  
827 person on the grounds that the applicant lacks the mental capacity to contract or manage the  
828 applicant's affairs, unless the applicant was granted a petition for relief of the order of the  
829 probate court pursuant to section 56C of chapter 215 and submits a copy of the order of the  
830 probate court with the application; or (D) found to be a person with an alcohol use disorder or  
831 substance use disorder or both and committed pursuant to said section 35 of said chapter 123,  
832 unless the applicant was granted a petition for relief of the court order pursuant to said section 35  
833 and submits a copy of the court order with the application;

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

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

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

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

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

844 (ix) is a fugitive from justice; or

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

846 The licensing authority may deny the application or renewal of a license to carry or  
847 suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the  
848 licensing authority determines that the applicant or licensee is unsuitable to be issued or to  
849 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable  
850 and credible information that the applicant or licensee has exhibited or engaged in behavior that  
851 suggests that, if issued a license, the applicant or licensee may create a risk to the applicant or  
852 licensee, to another person in the household of the applicant or licensee or to public safety; or (ii)  
853 existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to  
854 the applicant or licensee, to another person in the household of the applicant or licensee or to  
855 public safety. Upon denial of an application or renewal of a license based on a determination of  
856 unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific  
857 reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a

858 license based on a determination of unsuitability, the licensing authority shall notify the holder of  
859 a license in writing setting forth the specific reasons for the determination in accordance with  
860 paragraph (f). The determination of unsuitability shall be subject to judicial review under said  
861 paragraph (f).

862 SECTION 46. Paragraph (d) of said section 131 of said chapter 140, as appearing in  
863 section 45, is hereby further amended by striking out the first sentence and inserting in place  
864 thereof the following sentence:- A person residing or having a place of business within the  
865 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing  
866 authority or any person residing in an area of exclusive federal jurisdiction located within a city  
867 or town may submit to the licensing authority or the colonel of state police an application for a  
868 license to carry firearms, or renewal of the same, which the licensing authority or the colonel  
869 may issue if it appears that the applicant is not a prohibited person as set forth in this section to  
870 be issued a license and that the applicant has good reason to fear injury to the applicant or the  
871 applicant's property or for any other reason, including the carrying of firearms for use in sport or  
872 target practice only, subject to the restrictions expressed or authorized under this section.

873 SECTION 47. Paragraph (e) of said section 131 of said chapter 140, as appearing in the  
874 2012 Official Edition, is hereby amended by adding the following paragraph:-

875 The licensing authority shall provide to the applicant a receipt indicating that it received  
876 the application. The receipt shall be provided to the applicant within 7 days by mail if the  
877 application was received by mail or immediately if the application was made in person;  
878 provided, however, that the receipt shall include the applicant's name and address; current  
879 license number and license expiration date, if any; the date the licensing authority received the  
880 application; the name, address and telephone number of the licensing authority; the agent of the  
881 licensing authority that received the application; the type of application; and whether the  
882 application is for a new license or a renewal of an existing license. The licensing  
883 authority shall keep a copy of the receipt for not less than 1 year and shall furnish a copy to the  
884 applicant if requested by the applicant.

885 SECTION 48. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is  
886 hereby amended by striking out the second paragraph and inserting in place thereof the following  
887 paragraph:-

888 Any applicant or holder aggrieved by a denial, revocation, suspension or restriction  
889 placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,  
890 within either 90 days after receiving notice of the denial, revocation or suspension or within 90  
891 days after the expiration of the time limit during which the licensing authority shall respond to  
892 the applicant or, in the case of a restriction, any time after a restriction is placed on the license  
893 pursuant to this section, file a petition to obtain judicial review in the district court having  
894 jurisdiction in the city or town in which the applicant filed the application or in which the license

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

900 SECTION 49. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is  
901 hereby amended by striking out the first and second sentences and inserting in place thereof the  
902 following 3 sentences:- A license shall be in a standard form provided by the commissioner of  
903 criminal justice information services in a size and shape equivalent to that of a license to operate  
904 motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and  
905 shall contain a license number which shall clearly indicate the name, address, photograph,  
906 fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the  
907 licensee. The license shall be clearly marked "License to Carry Firearms". The license shall  
908 provide in a legible font size and style the phone numbers for the National Suicide Prevention  
909 Lifeline and the Samaritans Statewide Helpline.

910 SECTION 50. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is  
911 hereby amended by striking out the first sentence and inserting in place thereof the following 3  
912 sentences:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for  
913 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the  
914 licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of  
915 issue; provided, however, that, if the licensee applied for renewal before the license expired, the  
916 license shall remain valid after its expiration date for all lawful purposes until the application for  
917 renewal is approved or denied. If a licensee is on active duty with the armed forces of the United  
918 States on the expiration date of the license, the license shall remain valid until the licensee is  
919 released from active duty and for a period not less than 180 days following the release; provided,  
920 however, that, if the licensee applied for renewal prior to the end of that period, the license shall  
921 remain valid after its expiration date for all lawful purposes until the application for renewal is  
922 approved or denied. An application for renewal of a Class B license filed before the license has  
923 expired shall not extend the license beyond the stated expiration date; provided, that the Class B  
924 license shall expire on the anniversary of the licensee's date of birth occurring not less than 5  
925 years nor more than 6 years from the date of issue.

926 SECTION 51. Said paragraph (i) of said section 131 of said chapter 140 is hereby further  
927 amended by striking out the first 3 sentences, as appearing in section 50, and inserting in place  
928 thereof the following 2 sentences:- A license to carry or possess firearms shall be valid, unless  
929 revoked or suspended, for a period of not more than 6 years from the date of issue and shall  
930 expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more  
931 than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal  
932 before the license expired, the license shall remain valid after its expiration date for all lawful  
933 purposes until the application for renewal is approved or denied. If a licensee is on active duty

934 with the armed forces of the United States on the expiration date of the license, the license shall  
935 remain valid until the licensee is released from active duty and for a period not less than 180  
936 days following the release; provided, however, that, if the licensee applied for renewal prior to  
937 the end of that period, the license shall remain valid after its expiration date for all lawful  
938 purposes until the application for renewal is approved or denied.

939 SECTION 52. Said section 131 of said chapter 140, as appearing in the 2012 Official  
940 Edition, is hereby further amended by inserting after the word "For", in line 254, the following  
941 words:- active and retired.

942 SECTION 53. Paragraph (l) of said section 131 of said chapter 140, as so appearing, is  
943 hereby amended by inserting after the first sentence the following sentence:- The form for  
944 renewal shall include an affidavit in which the applicant shall verify that the applicant has not  
945 lost any firearms or had any firearms stolen from the applicant's possession or has properly  
946 reported the loss or theft of any firearm stolen from the applicant's possession since the date of  
947 the applicant's last renewal or issuance.

948 SECTION 54. Said section 131 of said chapter 140, as so appearing, is hereby further  
949 amended by striking out, in lines 317 to 320, inclusive, the words "meaning after 90 days beyond  
950 the stated expiration date on the license, but who shall not be disqualified from renewal upon  
951 application therefor under this section, shall be subject to a civil fine of not less than \$500" and  
952 inserting in place thereof the following words:- not including licenses that remain valid under  
953 paragraph (i) because the licensee applied for renewal before the license expired, but who shall  
954 not be disqualified from renewal upon application therefor pursuant to this section, shall be  
955 subject to a civil fine of not less than \$100.

956 SECTION 55. Said chapter 140 is hereby further amended by striking out section 131C  
957 and inserting in place thereof the following section:-

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

962 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant  
963 to section 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the  
964 large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or  
965 in a locked case or other secure container. Whoever violates this subsection shall be punished by  
966 a fine of not less than \$500 nor more than \$5,000.

967 (c) This section shall not apply to: (i) an officer, agent or employee of the  
968 commonwealth, any state or the United States; (ii) a member of the military or other service of  
969 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or

970 employee of a municipality of the commonwealth; provided, however, that a person described in  
971 clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the  
972 weapon so carried or possessed and is acting within the scope of the person's official duties.

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

978 SECTION 56. Said chapter 140 is hereby further amended by striking out section 131E  
979 and inserting in place thereof the following section:-

980 Section 131E. A resident of the commonwealth may purchase firearms, rifles, shotguns  
981 and ammunition feeding devices from a dealer licensed pursuant to section 122 or from a person  
982 qualified pursuant to section 128A or may purchase ammunition from a licensee under section  
983 122B subject to the following conditions and restrictions:

984 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon  
985 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid  
986 license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status  
987 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity  
988 feeding devices therefor may be so purchased only upon presentment of a license to carry  
989 firearms issued pursuant to said section 131; and provided further, that no rifle, shotgun,  
990 ammunition or ammunition feeding device therefor shall be sold to a person younger than 18  
991 years of age; and provided further, that no large capacity rifle, shotgun or large capacity feeding  
992 device therefor shall be sold to a person younger than 21 years of age; and

993 (b) firearms and feeding devices therefor, including large capacity firearms and large  
994 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid  
995 license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card  
996 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;  
997 provided, however, that neither a firearm identification card issued pursuant to said section 129B  
998 nor proof of exempt status under said section 129C shall be valid to purchase a firearm or  
999 ammunition feeding device therefor, including large capacity firearms and large capacity feeding  
1000 devices therefor, without being presented together with a valid and proper permit to purchase  
1001 issued under section 131A; and provided further, that an alien permit to possess a rifle or shotgun  
1002 shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and  
1003 provided further, that no firearm, ammunition or ammunition feeding device therefor shall be  
1004 sold to a person younger than 21 years of age.

1005 A firearms collector, licensed pursuant to 18 U.S.C. 923(b), may purchase a rifle, shotgun  
1006 or firearm that was not previously owned or registered in the commonwealth from a dealer

1007 licensed under section 122 if that rifle, shotgun or firearm is a curio or relic as defined in 27 CFR  
1008 478.11.

1009           A person who uses a license to carry firearms or a firearm identification card to purchase  
1010 a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an  
1011 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or  
1012 by imprisonment for not less than 2½ years nor more than 10 years in a state prison or by both  
1013 such fine and imprisonment. A conviction of a violation of this section shall be reported  
1014 immediately by the court to the licensing authority that issued the license or firearm  
1015 identification card. The licensing authority shall immediately revoke the license or firearm  
1016 identification card pursuant to said section 129B or said section 131 and no license shall be  
1017 issued to a person convicted of a violation of this section within 2 years after the date of the  
1018 revocation of the license or firearm identification card.

1019           SECTION 57. Section 131F of said chapter 140, as appearing in the 2012 Official  
1020 Edition, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

1021           SECTION 58. The first paragraph of said section 131F of said chapter 140, as so  
1022 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the  
1023 following clause:-

1024           (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful  
1025 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable  
1026 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a  
1027 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
1028 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
1029 may be imposed;       (E) a violation of any law regulating the use, possession or sale of a  
1030 controlled substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of  
1031 domestic violence as defined in 18 U.S.C. 921(a)(33).

1032           SECTION 59. Said section 131F of said chapter 140, as so appearing, is hereby further  
1033 amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of  
1034 an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof  
1035 the following words:-

1036           (v) is currently the subject of an outstanding arrest warrant in any state or federal  
1037 jurisdiction;

1038           (vi) has been discharged from the armed forces of the United States under dishonorable  
1039 conditions;

1040           (vii) is a fugitive from justice;

1041           (viii) having been a citizen of the United States, has renounced that citizenship;

1042 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the  
1043 United States; or

1044 (x) not being a citizen or national of the United States, has been admitted to the United  
1045 States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been  
1046 admitted to the United States for lawful hunting or sporting purposes or is in possession of a  
1047 hunting license or permit lawfully issued in the United States or another exception set forth in 18  
1048 U.S.C. 922(y)(2) applies.

1049 SECTION 60. The fourth paragraph of said section 131F of said chapter 140, as so  
1050 appearing, is hereby amended by striking out the first and second sentences and inserting in place  
1051 thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be  
1052 clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase  
1053 firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large  
1054 capacity feeding device therefor may be carried if the person has been issued a license. The  
1055 colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided,  
1056 however, that this entitlement shall be clearly indicated on the license.

1057 SECTION 61. Section 131L of said chapter 140, as so appearing, is hereby amended by  
1058 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3  
1059 subsections:-

1060 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun  
1061 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by  
1062 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case  
1063 of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than  
1064 \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such  
1065 fine and imprisonment.

1066 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is  
1067 not a large capacity weapon and the weapon was stored or kept in a place where a person  
1068 younger than 18 years of age who does not possess a valid firearm identification card issued  
1069 under section 129B may have access without committing an unforeseeable trespass, by a fine of  
1070 not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1½ years nor  
1071 more than 12 years or by both such fine and imprisonment.

1072 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a  
1073 large capacity weapon, firearm or machine gun that was stored or kept in a place where a person  
1074 younger than 18 years of age may have access without committing an unforeseeable trespass, by  
1075 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4  
1076 years nor more than 15 years or by both such fine and imprisonment.

1077 SECTION 62. Section 131M of said chapter 140, as so appearing, is hereby amended by  
1078 striking out, in line 12, the words “for purposes of law enforcement”.

1079 SECTION 63. Section 131P of said chapter 140, as so appearing, is hereby amended by  
1080 striking out, in lines 12 to 17, inclusive, the words “; and provided further, that an applicant for a  
1081 firearms identification card for the sole purpose of purchasing or possessing chemical mace,  
1082 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily  
1083 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for  
1084 receiving such card”.

1085 SECTION 64. Subsection (a) of said section 131P of said chapter 140, as so appearing, is  
1086 hereby amended by adding the following paragraph:-

1087 A current member of the United States military or the Massachusetts National Guard who  
1088 has not been prohibited under said section 129B from owning a firearm and has received  
1089 adequate training while serving in the military shall be exempt from being required to submit a  
1090 basic firearms safety certificate to the licensing authority upon submitting a copy of the  
1091 member’s most current military identification form.

1092 SECTION 65. Said section 131P of said chapter 140, as so appearing, is hereby further  
1093 amended by striking out, in lines 2 and 66, the words “Class A or Class B”, each time they  
1094 appear.

1095 SECTION 66. Subsection (b) of said section 131P of said chapter 140, as so appearing, is  
1096 hereby amended by striking out, in line 52, the words “and (d)” and inserting in place thereof the  
1097 following words:- (d) the educational materials on harm reduction as developed pursuant to  
1098 section 233 of chapter 111; and (e).

1099 SECTION 67. Said section 131P of said chapter 140, as so appearing, is hereby further  
1100 amended by adding the following subsection:-

1101 (f) The colonel of state police shall produce and distribute public service announcements  
1102 to encourage and educate the general public about: (i) safe storage and transportation of weapons  
1103 pursuant to sections 131C and 131L; and (ii) importance of firearms safety education and  
1104 training, including information on places and classes that a person may attend to obtain firearms  
1105 safety education and training.

1106 SECTION 68. Said chapter 140 is hereby further amended by inserting after said section  
1107 131P the following section:-

1108 Section 131Q. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault  
1109 weapon used to carry out a criminal act, suicide, suicide attempt or accidental shooting shall be  
1110 traced by the licensing authority for the city or town in which the crime took place. The licensing  
1111 authority shall report statistical data, when the data is readily available as determined by the chief

1112 of police, including, but not limited to: (i) the make, model, serial number and caliber of the  
1113 weapon used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made;  
1114 (iv) whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was  
1115 retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known  
1116 gang activity; (vii) whether the weapon was obtained illegally; (viii) whether the weapon was  
1117 lost or stolen; (ix) whether the person using the weapon was otherwise a prohibited person; (x)  
1118 the source from where the weapon was obtained; and (xi) whether a fatality or injury occurred.

1119         The data shall be reported to the commonwealth fusion center or the criminal firearms  
1120 and trafficking unit within the division of investigation and intelligence in the department of state  
1121 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce  
1122 an annual report by December 31 of each year regarding crimes, suicides, suicide attempts or  
1123 accidental shootings committed in the commonwealth using firearms, rifles or shotguns, large  
1124 capacity weapons, machine guns or assault weapons, including all of the categories of data  
1125 contained in this section, and shall submit a copy of the report to the joint committee on public  
1126 safety and homeland security, the clerks of the house of representatives and the senate and, upon  
1127 request, to criminology, public policy and public health researchers and other law enforcement  
1128 agencies.

1129         SECTION 69. Section 3C of chapter 209A of the General Laws, as appearing in the 2012  
1130 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,  
1131 including a Class A or Class B license.”.

1132         SECTION 70. Said chapter 209A is hereby further amended by inserting after section 3C  
1133 the following section:-

1134         Section 3D. Upon an order for suspension or surrender issued pursuant to sections 3B or  
1135 3C, the court shall transmit a report containing the defendant’s name and identifying information  
1136 and a statement describing the defendant’s alleged conduct and relationship to the plaintiff to the  
1137 department of criminal justice information services. Upon the expiration, cancellation or  
1138 revocation of the order, the court shall transmit a report containing the defendant’s name and  
1139 identifying information, a statement describing the defendant’s alleged conduct and relationship  
1140 to the plaintiff and an explanation that the order is no longer current or valid to the department of  
1141 criminal justice information services who shall transmit the report, pursuant to paragraph (h) of  
1142 section 167A of chapter 6, to the attorney general of the United States to be included in the  
1143 National Instant Criminal Background Check System.

1144         SECTION 71. Chapter 215 of the General Laws is hereby amended by inserting after  
1145 section 56B the following section:-

1146         Section 56C. (a) Notwithstanding any general or special law, to the contrary, the  
1147 administrative office of the trial court shall transmit an order of the probate court appointing a  
1148 guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter

1149 190B, on the grounds that the person lacks mental capacity to contract or manage the person's  
1150 affairs, and any subsequent order terminating or rescinding the appointment, to the department of  
1151 criminal justice information services to provide: (i) licensing authorities as defined pursuant to  
1152 section 121 of chapter 140 with information required or permitted to be considered under state  
1153 and federal law to conduct background checks for firearm sales or licensing; and (ii) the  
1154 Attorney General of the United States with information required or permitted under federal law  
1155 to be included in the National Instant Criminal Background Check System maintained to conduct  
1156 background checks for firearms sales or licensing. The department shall transmit no more  
1157 information than is necessary for the purpose stated above and the information shall not be  
1158 considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of  
1159 chapter 66.

1160 (b) A person found to lack the mental capacity to contract or manage the person's affairs  
1161 may, after 5 years from the date of the finding, file a petition for relief with the probate court that  
1162 ordered the commitment requesting the court to restore the person's ability to possess a firearm.  
1163 The court may grant the relief sought in accordance with due process if the circumstances  
1164 regarding the person's disqualifying condition and the person's record and reputation are  
1165 determined to be such that: (i) the person is not likely to act in a manner that is dangerous to  
1166 public safety; and (ii) the granting of relief would not be contrary to the public interest. In  
1167 making the determination, the court may consider evidence from a licensed physician or clinical  
1168 psychologist that the person is no longer suffering from the disease or condition that caused the  
1169 incapacity or that the disease or condition has been successfully treated for a period of 3  
1170 consecutive years. Upon the granting of a petition for relief, the administrative office of the trial  
1171 court shall immediately forward a copy of the order for relief to the department of criminal  
1172 justice information services for the purposes listed in subsection (a).

1173 SECTION 72. Section 2 of chapter 258E of the General Laws, as appearing in the 2012  
1174 Official Edition, is hereby amended by striking out, in line 6, the figure "17" and inserting in  
1175 place thereof the following figure:- 18.

1176 SECTION 73. Section 13D of chapter 265 of the General Laws, as amended by section  
1177 177 of chapter 165 of the acts of 2014, is hereby further amended by adding the following  
1178 paragraph:-

1179 Whoever commits an offense under this section and which includes an attempt to disarm  
1180 a police officer in the performance of the officer's duty shall be punished by imprisonment in the  
1181 state prison for not more than 10 years or by a fine of not more than \$1,000 and imprisonment in  
1182 a jail or house of correction for not more than 2½ years.

1183 SECTION 74. Said chapter 265 is hereby further amended by inserting after section 13M  
1184 the following section:-

1185 Section 13N. Upon entry of a conviction for any misdemeanor offense that has as an  
1186 element the use or attempted use of physical force or the threatened use of a deadly weapon, the  
1187 court shall determine whether the victim or intended victim was a family or household member,  
1188 as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a  
1189 family or household member of the defendant, the court shall enter the offense, the chapter,  
1190 section and subsection, if any, of the offense and the relationship of the defendant to the victim  
1191 or intended victim upon the records and this entry shall be forwarded to the department of  
1192 criminal justice information services for inclusion in the criminal justice information system and  
1193 to provide the Attorney General of the United States with information required or permitted  
1194 under federal law to be included in the National Instant Criminal Background Check System or  
1195 any successor system maintained to conduct background checks for firearm sales or licensing.

1196 SECTION 75. Section 15A of said chapter 265, as appearing in the 2012 Official Edition,  
1197 is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof  
1198 the following figure:- 18.

1199 SECTION 76. Said section 15A of said chapter 265, as so appearing, is hereby further  
1200 amended by striking out, in line 43, the figure “17” and inserting in place thereof the following  
1201 figure:- 18.

1202 SECTION 77. Section 15B of said chapter 265, as so appearing, is hereby amended by  
1203 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-  
1204 18.

1205 SECTION 78. Said chapter 265 is hereby further amended by inserting after section 15C  
1206 the following 2 sections:-

1207 Section 15D. (a) Whoever commits an assault and battery upon another by discharging a  
1208 firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun as defined in  
1209 section 121 of chapter 140 shall be punished pursuant to subsection (b).

1210 (b) A person convicted of a violation of subsection (a) shall be punished by imprisonment  
1211 in the state prison for life or for any term of years, but not less than 10 years. This sentence shall  
1212 not be reduced to less than 10 years and shall not be suspended. No person convicted pursuant to  
1213 this subsection shall be eligible for probation, parole, work release or furlough or shall receive  
1214 any deduction from the person’s sentence for good conduct until the person has served a  
1215 minimum of 10 years; provided, however, that the commissioner of correction, on the  
1216 recommendation of the warden, superintendent or other person in charge of a correctional  
1217 institution, may grant to a person convicted pursuant to this subsection a temporary release to the  
1218 custody of an officer of the correctional institution to attend the funeral of a relative, visit a  
1219 critically ill relative or obtain emergency medical or psychiatric services that are not available at  
1220 the correctional institution. Prosecutions commenced pursuant to this subsection shall neither be  
1221 continued without a finding nor placed on file.

1222 Section 15E. (a) Whoever attempts to commit an assault and battery upon another by  
1223 means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or  
1224 machine gun as defined in section 121 of chapter 140 shall be punished pursuant to subsection  
1225 (b).

1226 (b) A person convicted of a violation of subsection (a) shall be punished by imprisonment  
1227 in the state prison for not less than 7 years nor more than 20 years. This sentence shall not be  
1228 reduced to less than 7 years and shall not be suspended. No person convicted under this section  
1229 shall be eligible for probation, parole, work release or furlough or shall receive any deduction  
1230 from the person's sentence for good conduct until the person has served a minimum of 7 years;  
1231 provided, however, that the commissioner of correction, on the recommendation of the warden,  
1232 superintendent or other person in charge of a correctional institution, may grant to a person  
1233 convicted pursuant to this subsection a temporary release to the custody of an officer of the  
1234 correctional institution to attend the funeral of a relative, visit a critically ill relative or obtain  
1235 emergency medical or psychiatric service that are not available at the correctional institution.  
1236 Prosecutions commenced pursuant to this subsection shall neither be continued without a finding  
1237 nor placed on file.

1238 SECTION 79. Section 18 of said chapter 265, as appearing in the 2012 Official Edition,  
1239 is hereby amended by striking out, in line 24, the word "seventeen" and inserting in place thereof  
1240 the following figure:- 18.

1241 SECTION 80. Section 18B of said chapter 265, as so appearing, is hereby amended by  
1242 striking out, in line 40, the figure "17" and inserting in place thereof the following figure:- 18.

1243 SECTION 81. Section 19 of said chapter 265, as so appearing, is hereby amended by  
1244 striking out, in line 23, the word "seventeen" and inserting in place thereof the following figure:-  
1245 18.

1246 SECTION 82. Section 21A of said chapter 265, as so appearing, is hereby amended by  
1247 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
1248 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
1249 machine gun or assault weapon, shall be punished by imprisonment in the state prison for not  
1250 less than 7 years.

1251 SECTION 83. Section 43 of said chapter 265, as so appearing, is hereby amended by  
1252 striking out, in lines 53 and 85, the word "seventeen" and inserting in place thereof, in each  
1253 instance, the following figure:- 18.

1254 SECTION 84. Said chapter 265 is hereby further amended by adding the following  
1255 section:-

1256 Section 58. Any person who is in possession of a deceptive weapon device as defined in  
1257 section 121 of chapter 140 during the commission of a violent crime as defined in said section  
1258 121 of said chapter 140 shall be deemed to be armed and shall be punishable by penalties set  
1259 forth in this chapter.

1260 SECTION 85. Section 17 of chapter 266 of the General Laws, as appearing in the 2012  
1261 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
1262 thereof the following sentence:- Whoever commits any offense described in this section while  
1263 armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by  
1264 imprisonment in the state prison for not less than 7 years or in the house of correction for not less  
1265 than 2 years nor more than 2½ years.

1266 SECTION 86. Section 18 of said chapter 266, as so appearing, is hereby amended by  
1267 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
1268 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
1269 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less  
1270 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more  
1271 than 2½ years.

1272 SECTION 87. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby  
1273 amended by striking out, in lines 50 and 52, the word “seventeen” and inserting in place thereof,  
1274 in each instance, the following figure:- 18.

1275 SECTION 88. Said section 10 of said chapter 269, as so appearing, is hereby further  
1276 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1277 (j) For the purposes of this paragraph, “firearm” shall mean any pistol, revolver, rifle or  
1278 smoothbore arm from which a shot, bullet or pellet can be discharged.

1279 Whoever, not being a law enforcement officer and notwithstanding any license obtained  
1280 by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or  
1281 other dangerous weapon in any building or on the grounds of any elementary or secondary  
1282 school, college or university without the written authorization of the board or officer in charge of  
1283 the elementary or secondary school, college or university shall be punished by a fine of not more  
1284 than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer  
1285 may arrest without a warrant and detain a person found carrying a firearm in violation of this  
1286 paragraph.

1287 Any officer in charge of an elementary or secondary school, college or university or any  
1288 faculty member or administrative officer of an elementary or secondary school, college or  
1289 university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and  
1290 punished by a fine of not more than \$500.

1291 SECTION 89. Said section 10 of said chapter 269, as so appearing, is hereby further  
1292 amended by striking out, in line 188, the words "Class A or Class B".

1293 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further  
1294 amended by striking out, in line 212, the figure "17" and inserting in place thereof the following  
1295 figure:- 18.

1296 SECTION 91. Section 10E of said chapter 269, as so appearing, is hereby amended by  
1297 striking out, in lines 46 and 48, the word "seventeen" and inserting in place thereof, in each  
1298 instance, the following figure:- 18.

1299 SECTION 92. Section 10F of said chapter 269, as so appearing, is hereby amended by  
1300 striking out, in line 26, the figure "17" and inserting in place thereof the following figure:- 18.

1301 SECTION 93. Section 10G of said chapter 269, as so appearing, is hereby amended by  
1302 striking out, in line 33, the figure "17" and inserting in place thereof the following figure:- 18.

1303 SECTION 94. Said chapter 269 is hereby further amended by inserting after section 10H  
1304 the following 3 sections:-

1305 Section 10I. (a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off  
1306 shotgun into the commonwealth to use the weapon for the commission of criminal activity shall  
1307 be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years.

1308 (b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into  
1309 the commonwealth to unlawfully distribute, sell or transfer possession of the weapon to a  
1310 prohibited person, as defined in section 131 of chapter 140, shall be punished by imprisonment  
1311 in the state prison for not less than 10 years nor more than 20 years.

1312 (c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into  
1313 the commonwealth to unlawfully distribute, sell or transfer the weapon to a prohibited person, as  
1314 defined in section 131 of chapter 140, and if the weapon is subsequently used to cause the death  
1315 of another, shall be punished by imprisonment in the state prison for not less than 20 years.

1316 Section 10J. (a) Whoever in the nighttime or the daytime breaks and enters a building,  
1317 ship, vessel or vehicle to steal a firearm shall be subject to a fine of not less than \$5,000 nor more  
1318 than \$10,000 or by imprisonment for not less than 1 year nor more than 5 years or by both such  
1319 fine and imprisonment.

1320 (b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or  
1321 vehicle to steal a firearm to distribute to a prohibited person, as defined in section 131 of chapter  
1322 140 shall be subject to a fine of not less than \$10,000 or by imprisonment in the state prison for  
1323 not less than 5 years nor more than 10 years or by both such fine and imprisonment.

1324 (c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or  
1325 vehicle to steal a firearm and in the process causes injury of another shall be subject to a fine of  
1326 not less than \$10,000 or by imprisonment in the state prison for not less than 5 years nor more  
1327 than 10 years or by both such fine and imprisonment.

1328 Any motor vehicle lawfully owned or operated by any person convicted pursuant to this  
1329 section shall be forfeited pursuant to section 24W of chapter 90. All proceeds from the auction of  
1330 the vehicle shall be deposited into the Public Safety Training Fund established under section  
1331 2JJJJ of chapter 29.

1332 Section 10K. (a) Whoever in the nighttime or the daytime breaks and enters any building  
1333 in which a firearm retailer, wholesaler or manufacturer conducts business shall be subject to a  
1334 fine of not less than \$5,000 nor more than \$10,000 or by imprisonment in the state prison for not  
1335 less than 5 years nor more than 10 years or by both such fine and imprisonment.

1336 (b) Whoever in the nighttime or the daytime breaks and enters any building in which a  
1337 firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully  
1338 obtain a firearm, rifle, shotgun, machine gun or ammunition shall be subject to a fine of not less  
1339 than \$5,000 nor more than \$10,000 or by imprisonment for not less than 5 years nor more than  
1340 10years or by both such fine and imprisonment.

1341 (c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by  
1342 means of breaking and entering, in the nighttime or the daytime, any building in which a firearm  
1343 retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said  
1344 firearm, rifle, shotgun, machine gun or ammunition shall be subject to a fine of not less than  
1345 \$10,000 or by imprisonment for not less than 10 years nor more than 20 years or by both such  
1346 fine and imprisonment.

1347 SECTION 95. Subsection (7) of section 58A of chapter 276 of the General Laws, as  
1348 appearing in the 2012 Official Edition, is hereby amended by striking out the second paragraph  
1349 and inserting in place thereof the following 6 paragraphs:-

1350 If, after a hearing pursuant to subsection (4), the district court justice makes a  
1351 determination that, pending trial, the individual shall be released on personal recognizance with  
1352 or without surety, the person shall have the same right to review as set forth in section 58.

1353 If, after a hearing pursuant to subsection (4), the district court justice makes a  
1354 determination by clear and convincing evidence that no conditions of release reasonably assure  
1355 the safety of any other person or the community and orders the detention of the person prior to  
1356 trial, a justice of the superior court shall consider a petition for review under the procedures  
1357 described in this section. The review shall be conducted as speedily as practicable and, in any  
1358 event, within 5 business days of the filing of the petition.

1359 The justice of the superior court shall review the district court's decision only to  
1360 determine whether the district court committed a clear error of fact or law that plainly affected  
1361 the district court's disposition. In conducting this review, the justice of the superior court shall  
1362 consider the district court's written findings of fact, the written statement of the reasons for  
1363 detention if the person has been ordered detained, the written statement of the reasons for  
1364 conditions of release if such conditions have been imposed and the record in the court below.  
1365 The record shall include, but not be limited to: (i) police reports; (ii) a copy of the complaint; (iii)  
1366 the person's criminal offender record information; and (iv) any other documents submitted as  
1367 evidence during the hearing.

1368 If the justice of the superior court finds that the district court committed a clear error of  
1369 fact or law and that the error plainly affected the district court's disposition, the justice of the  
1370 superior court may revise the disposition by ordering that the person be released on bail on  
1371 personal recognizance with or without surety or may make any other order of bail or  
1372 recognizance. The superior court justice may also uphold the district court's original disposition  
1373 on grounds other than those originally put forth by the district court.

1374 If the superior court justice either modifies the disposition of the district court or makes a  
1375 new order of pretrial detention or release upon conditions, the justice shall issue written findings  
1376 describing: (i) the error that triggered the modification or issuance of a new order; and (ii) the  
1377 reasons for the modification or issuance of a new order.

1378 If there is no clear error of law or fact that plainly affected the district court's disposition,  
1379 the superior court justice shall remand the person in accordance with the terms on which the  
1380 person was ordered committed by the district court.

1381 SECTION 96. Said section 58A of chapter 276 is hereby further amended by inserting  
1382 after the words "chapter 90," in line 16, the following words:- or convicted of a violent crime as  
1383 defined in said section 121 of said chapter 140 for which a term of imprisonment was served and  
1384 arrested and charged with a second or subsequent offense of felony possession of a weapon or  
1385 machine gun as defined in section 121 of chapter 140,.

1386 SECTION 97. (a) For purposes of this section, a person has been determined by a court,  
1387 board, commission or other lawful authority to pose a serious risk of harm if the person was:

1388 (i) involuntarily committed to a psychiatric hospital pursuant to sections 7, 8 or 18A or  
1389 subsection (e) of section 12 or subsection (b) of section 15 of chapter 123 of the General Laws;

1390 (ii) involuntarily committed for alcohol or substance abuse treatment under section 35 of  
1391 chapter 123 of the General Laws;

1392 (iii) committed as a sexually dangerous person pursuant to chapter 123A of the General  
1393 Laws;

1394 (iv) adjudicated incompetent to stand trial or not guilty by reason of mental illness under  
1395 sections 15 or 16 of chapter 123 of the General Laws;

1396 (v) found not guilty by reason of lack of mental responsibility pursuant to Article 50a of  
1397 the Uniform Code of Military Justice, 10 U.S.C. § 850a; or

1398 (vi) found not guilty by reason of lack of mental capacity or mental responsibility  
1399 pursuant to Article 76b of said Uniform Code of Military Justice, 10 U.S.C. § 876b.

1400 (b) Notwithstanding section 36 of chapter 123 of the General Laws and, to provide a  
1401 licensing authority as defined in section 121 of chapter 140 of the General Laws with  
1402 information required or permitted to be considered pursuant to state law to conduct background  
1403 checks for firearms sales or licensing and to provide the attorney general of the United States  
1404 with information required or permitted under federal law to be included in the National Instant  
1405 Criminal Background Check System maintained to conduct background checks for firearms sales  
1406 or licensing, the department of mental health shall, within 180 days of the effective date of this  
1407 section, transmit to the department of criminal justice information services sufficient information  
1408 to identify all persons known to the department to have been, within 20 years preceding the  
1409 effective date of this section: (i) committed to psychiatric hospital, including commitments for  
1410 mental illness pursuant to section 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of  
1411 section 15 or subsection (b) or (c) of section 16 of said chapter 123 of the General Laws or a  
1412 commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123 of the  
1413 General Laws; or (ii) determined by a court, board, commission or other lawful authority to pose  
1414 a serious risk of harm.

1415 The department shall provide no more information than is necessary for the purpose  
1416 stated above and the information shall not be considered a public record under clause Twenty-  
1417 sixth of section 7 of chapter 4 of the General Laws.

1418 SECTION 98. Notwithstanding any general or special law to the contrary, a person  
1419 licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of the  
1420 effective date of this section, obtain from the department of criminal justice information services  
1421 all available criminal offender record information, as defined in section 167 of chapter 6 of the  
1422 General Laws and authorized pursuant to clause (31) of subsection (a) of section 172 of said  
1423 chapter 6, for current employees to determine the continued suitability of employees who may  
1424 have direct and unmonitored contact with firearms, shotguns or rifles.

1425 SECTION 99. Notwithstanding any general or special law to the contrary, neither a  
1426 licensing authority as defined in section 121 of chapter 140 of the General Laws nor the colonel  
1427 of state police shall issue, renew or accept application for a Class B license to carry pursuant to  
1428 sections 131 or 131F of said chapter 140 as of the effective date of this section; provided,  
1429 however, that any Class B license issued pursuant to said sections 131 or 131F of said chapter  
1430 140 prior to the effective date of this section shall remain in effect, subject to any restrictions or

1431 conditions set forth in any general or special law until the date on which the Class B license is set  
1432 to expire or July 31, 2020, whichever occurs first; and provided further, that any application for  
1433 renewal of a Class B license filed after the effective date of this section shall not extend the  
1434 license beyond the stated expiration date pursuant to said section 131 of said chapter 140 and the  
1435 Class B license shall expire on the anniversary of the licensee's date of birth occurring not less  
1436 than 5 years but not more than 6 years from the date of issue or January 1, 2021, whichever  
1437 occurs first.

1438 SECTION 100. The department of public health, in consultation with the center for  
1439 health information and analysis, shall develop an implementation proposal and spending plan to  
1440 create a data warehouse, linking relevant private and public data systems in order to receive near  
1441 real-time data feeds from vital records, hospitals and other clinical partners. In the proposal, all  
1442 efforts shall be made by the department and the center to limit duplicative reporting requirements  
1443 by vital records, hospitals and other clinical partners. The proposal shall: (i) streamline the  
1444 operation of applicable institutional review boards; (ii) engage academic partners to help support  
1445 surveillance and evaluation activities; (iii) amend the department's reporting functions in order to  
1446 allow for expedited reporting based on partially complete but statistically reliable data; and (iv)  
1447 set forth the timeline for implementing the data warehouse. The warehouse shall be subject to the  
1448 federal Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2 and all other  
1449 applicable state and federal laws governing the confidentiality of personal data.

1450 The department, in consultation with the center, shall submit the implementation proposal  
1451 and spending plan, as well as any additional legislative language necessary to implement the data  
1452 warehouse project, not later than December 1, 2014, to the house and senate committees on ways  
1453 and means, the joint committee on public safety and homeland security, the joint committee on  
1454 health care financing and the joint committee on public health.

1455 SECTION 101. The board of registration of psychologists shall amend its regulations to  
1456 include schools as health service training program sites to accrue supervised health service  
1457 training hours applicable to licensure as a doctoral level psychologist with certification as a  
1458 health services provider. Eligible training at a school site shall occur as part of a formal training  
1459 affiliation between a school and an organized integrated training program; provided, however,  
1460 that the organized integrated training program may provide a licensed psychologist to supervise  
1461 doctoral trainees in clinical psychology if a school does not have a licensed psychologist as a  
1462 member of the school staff.

1463 SECTION 102. There shall be a gun violence prevention commission to study primary  
1464 prevention of gun violence.

1465 (a) The commission shall report to the governor and shall review and recommend  
1466 programs and interventions to reduce gun violence and promote peace in the commonwealth.  
1467 The commission shall make recommendations including, but not limited to: (i) promoting

1468 education in schools on gun violence and the social context of community violence including,  
1469 but not limited to, poverty, race, socio-economic status, geographic location and gender; (ii)  
1470 continuing research and education on gun trafficking and straw purchasing; (iii) building  
1471 relationships between law enforcement and community members; (iv) improving services for  
1472 homicide victims' families and families of perpetrators, including trauma and rehabilitation  
1473 services; (v) improving post-prison planning and rehabilitation services; and (vi) reducing  
1474 inequities in gun violence and prevention programming.

1475 (b) The commission shall consist of 1 expert on public health and gun violence who shall  
1476 be appointed chair by the governor. The chair shall make recommendations to the governor to  
1477 appoint the following: 1 representative from the department of public health; 1 representative  
1478 from the department of mental health; 1 representative from the office of the attorney general; 1  
1479 expert on public health; 1 expert on mental health; 1 representative from the department of  
1480 correction; 1 representative from the department of public safety and security; 1 representative  
1481 from the parole board; 2 victim advocates; 1 prisoner advocate; 1 mental health advocate; the  
1482 house and senate chairs of the joint committee on public health; the house and senate chairs of  
1483 the joint committee on mental health and substance abuse; and 4 public members from  
1484 communities that are affected by gun violence.

1485 (c) The departments of public health, public safety and security and correction, the  
1486 Boston public health commission and local boards of health and any other relevant departments  
1487 shall be required to share relevant data, including data on crimes, accidents and suicides,  
1488 stratified by race, ethnicity and gender, as needed by the commission, to better inform  
1489 recommendations.

1490 (d) The commission shall submit a report at the end of each legislative session to the  
1491 governor and the general court, the joint committee on public health and the joint committee on  
1492 mental health and substance abuse. The report shall include data on gun violence and prevention  
1493 in the commonwealth, recommendations for designing, implementing and improving gun  
1494 violence prevention programs and services, including those that promote cultural competency,  
1495 and proposals for legislative or regulatory changes to reduce gun violence and promote peace in  
1496 the commonwealth. The final report shall be due by December 31, 2018.

1497 SECTION 103. Notwithstanding any general or special law to the contrary, the chief of  
1498 police in each city or town shall make reasonable efforts to enter into a memorandum of  
1499 understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United  
1500 States Department of Justice to analyze firearms trace data.

1501 SECTION 104. By December 3, 2014, the department of elementary and secondary  
1502 education, subject to appropriation, shall adopt rules and regulations pursuant to section 95 of  
1503 chapter 71 of the General Laws requiring that all public school districts shall provide suicide

1504 awareness and prevention training. School personnel hired after the effective date of this section  
1505 but before December 3, 2014 shall obtain the training by March 4, 2015.

1506 SECTION 105. Sections 1, 3, 5, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18, 23, 25, 28, 29, 32, 34,  
1507 36, 36A, 37, 39, 40, 41, 42, 45, 47, 48, 50, 53, 54, 58, 59, 61, 67, 68, 70, 71, 73, 74, 78, 82, 85,  
1508 86, 88, 94, 95 and 96 shall take effect on January 1, 2015.

1509 SECTION 106. Section 10 shall take effect on July 1, 2015.

1510 SECTION 107. Sections 26 and 27 shall take effect on March 1, 2015; provided,  
1511 however, that the chief information officer of the commonwealth, in conjunction with the  
1512 secretary of public safety and security, shall procure any necessary information technology  
1513 services to implement the real time web portal pursuant to said section 27 by October 1, 2014.

1514 SECTION 108. The first report under clause (10) of section 18 <sup>3</sup>/<sub>4</sub> of chapter 6A of the  
1515 General Laws shall be due not later than March 1, 2016.

1516 SECTION 109. Section 30 is hereby repealed.

1517 SECTION 110. Sections 21, 22, 31, 38, 43, 44, 46, 49, 51, 55, 56, 57, 60, 65, 69, 89 and  
1518 109 shall take effect on January 1, 2021.