

# HOUSE . . . . . No. 4376

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## The Commonwealth of Massachusetts

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The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2284) of the House Bill relative to the reduction of gun violence (House, No. 4285), reported recommending passage of the accompanying bill (House, No. 4376). July 30, 2014.

Ronald Mariano	James E. Timilty
Garrett J. Bradley	Anthony Petrucci
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**HOUSE . . . . . No. 4376**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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An Act relative to the reduction of gun violence.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. 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 or court order, including an order of  
4 impoundment, to the contrary, the department shall transmit to the attorney general of the United  
5 States any information in its control required or permitted under federal law to be included in the  
6 National Instant Criminal Background Check System or any successor system maintained for the  
7 purpose to conduct background checks for firearms sales or licensing. No more information than  
8 is necessary for the purposes stated above shall be transmitted, and such information shall not be  
9 considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of  
10 chapter 66.

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

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

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

17           Section 172L. Notwithstanding section 172 or any other general or special law to the  
18 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the  
19 department all available criminal offender record information prior to accepting a person as an  
20 employee to determine the suitability of such employee who may have direct and unmonitored  
21 contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section

22 shall not disseminate such information for any purpose other than the further protection of public  
23 safety.

24 SECTION 4. Section 18 <sup>3</sup>/<sub>4</sub> of chapter 6A of the General Laws, as appearing in the 2012  
25 Official Edition, is hereby amended by adding the following clause:-

26 (10) to develop a biennial report to be sent to the clerks of the house of representatives  
27 and senate, the house and senate committees on ways and means and the house and senate chairs  
28 of the joint committee on public safety and homeland security not later than March 1 of every  
29 even-numbered year. The report shall contain, but not be limited to, the following information:  
30 (i) statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses,  
31 to serve as an examination of the effectiveness of the commonwealth's firearms-related  
32 regulations; (iii) aggregate data on the source of firearms that have been confiscated and  
33 identified as being used in a crime or in an attempted or completed suicide during the report  
34 period, including aggregate information on the manufacturer, state of origin and last known point  
35 of sale, transfer, loss or theft of such firearms; (iv) an explanation of substantial changes in state  
36 and federal firearms-related laws and firearms-related statistics in the commonwealth; (v)  
37 information and statistics concerning the number of transactions annually involving multiple  
38 purchases of firearms or the purchase by the same licensee of 5 or more firearms in a 4-month  
39 period including an analysis of whether such firearms were used in a crime as identified and  
40 reported on in section 131Q of chapter 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. Chapter 69 of the General Laws is hereby amended by inserting after  
49 section 1O the following section:-

50 Section 1P. (a) As used in this section the term "safe and supportive schools" shall mean  
51 schools that foster a safe, positive, healthy and inclusive whole-school learning environment that  
52 (i) enables students to develop positive relationships with adults and peers, regulate their  
53 emotions and behavior, achieve academic and non-academic success in school and maintain  
54 physical and psychological health and well-being; and (ii) integrates services and aligns  
55 initiatives that promote students' behavioral health, including social and emotional learning,  
56 bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental  
57 health, foster care and homeless youth education, inclusion of students with disabilities, positive  
58 behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

59 (b) Consistent with the framework recommended by the behavioral health and public  
60 schools task force created under section 19 of chapter 321 of the acts of 2008, the department of  
61 elementary and secondary education shall develop a safe and supportive schools framework. The  
62 framework shall provide guidance and support to schools to assist with the creation of safe and  
63 supportive schools that improve education outcomes for students.

64 (c) Subject to appropriation, any city, town or school district by vote of its school  
65 committee may implement the safe and supportive schools framework developed under  
66 subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create  
67 safe and supportive school environments and coordinate and align student support initiatives.

68 (d) The self-assessment tool created by the department consistent with the  
69 recommendations of the behavioral health and public school task force created under section 19  
70 of chapter 321 of the acts of 2008 shall be organized according to the elements of the framework  
71 established under subsection (b), and shall be used by schools to: (i) assess their capacity to  
72 create and sustain safe and supportive school environments for all students; (ii) identify areas  
73 where additional school-based action, efforts, guidance and support are needed to create and  
74 maintain safe and supportive school environments; and (iii) create action plans to address the  
75 areas of need identified by the assessment.

76 The board shall develop procedures for updating, improving or refining the safe and  
77 supportive schools framework and the safe and supportive schools self-assessment tool, in  
78 consultation with the safe and supportive schools commission established under subsection (g).

79 (e) Subject to appropriation, any city, town or school district by vote of its school  
80 committee may develop and implement an action plan to create and maintain the safe and  
81 supportive schools framework. The action plan shall be developed by the school principal, in  
82 consultation with the school council established under section 59C of chapter 71, and shall be  
83 incorporated into the annual school improvement plan required under section 11; provided,  
84 however, that the district superintendent may approve an alternative process and schedule for  
85 developing school action plans. Nothing in this section shall be construed as to limit the ability  
86 of the school principal to appoint a team to develop the school's action plan; provided, however,  
87 that such team shall include a broad representation of the school and local community and the  
88 principal shall attempt to include teachers and other school personnel, parents, students and  
89 representatives from community-based agencies and providers.

90 School action plans shall be designed to address the areas of need identified through the  
91 use of the self-assessment tool described in subsection (d), and shall include the following: (i)  
92 strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a  
93 timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for  
94 evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may  
95 include attendance and graduation rates, bullying incidences, number of student suspensions,

96 expulsions and office referrals, truancy and tardiness rates, time spent on learning and other  
97 measures of school success; and (iv) a process and schedule for reviewing the plan annually and  
98 updating it at least once every 3 years. School action plans shall be published on the district's  
99 website.

100 (f) Subject to appropriation, the department shall facilitate and oversee the  
101 implementation of the safe and supportive schools framework in schools that vote to develop and  
102 implement the framework. The department shall, subject to appropriation: (i) provide technical  
103 assistance to schools on using the self-assessment tool and developing school action plans, and to  
104 districts on coordinating with community service providers and developing strategies to facilitate  
105 the district-wide implementation of the framework; (ii) develop and disseminate model protocols  
106 and practices identified in the framework; (iii) establish a safe and supportive schools grant  
107 program, subject to appropriation, through which grantees shall pilot and share with other  
108 schools an effective process for developing and implementing school action plans; (iv) update its  
109 website to include the framework, the self-assessment tool, best practices and other information  
110 related to the implementation of the framework; and (v) host regional trainings for schools and  
111 districts, subject to appropriation; and (vi) provide administrative support to the safe and  
112 supportive schools commission established under subsection (e), subject to appropriation.  
113 Nothing in this section shall be construed as limiting the ability of the department to contract  
114 with individuals, external partners or other entities to support the functions established under this  
115 section; provided, however, that the department shall consider opportunities for education  
116 collaboratives or other regional service organizations to coordinate and disseminate training,  
117 technical assistance and information to school districts on the implementation of the framework.

118 (g) There shall be a safe and supportive schools commission to collaborate with and  
119 advise the department on the feasibility of state-wide implementation of the framework. The  
120 commission shall consist of 18 members: 1 of whom shall be the commissioner of elementary  
121 and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the  
122 secretary of education or a designee; 1 of whom shall be a school superintendent appointed by  
123 the Massachusetts Association of School Superintendents; 1 of whom shall be a school  
124 committee member appointed by the Massachusetts Association of School Committees; 1 of  
125 whom shall be a school principal appointed jointly by the Massachusetts Secondary School  
126 Administrators' Association and the Massachusetts Elementary School Principals Association; 1  
127 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the  
128 American Federation of Teachers Massachusetts; 1 of whom shall be a director of special  
129 education or director of student support services appointed by the Massachusetts Administrators  
130 for Special Education; 1 of whom shall be an executive director of an education collaborative  
131 appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a  
132 school psychologist appointed by the Massachusetts School Psychologists Association; 1 of  
133 whom shall be a school social worker appointed by the Massachusetts Chapter of the National  
134 Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance

135 counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a  
136 school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an  
137 advocate with experience in education, behavioral health and the impact of trauma on learning  
138 appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the  
139 Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1  
140 of whom shall be a student appointed by the Board of Elementary and Secondary Education  
141 Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of  
142 whom shall be a former member of the behavioral health and public schools task force who  
143 participated in the development and statewide evaluation of the self-assessment tool; 1 of whom  
144 shall be a former member of the behavioral health and public schools task force with experience  
145 implementing the framework; and 1 of whom shall be a representative from a community-based  
146 organization that provides services as part of the children’s behavioral health initiative and that  
147 provides mental health services in schools. The commission shall select a co-chair from among  
148 its appointees.

149           The commission shall: (i) investigate and make recommendations to the board on  
150 updating, improving and refining the framework and the self-assessment tool as appropriate; (ii)  
151 identify strategies for increasing schools’ capacity to carry out the administrative functions  
152 identified by the behavioral health and public schools task force; (iii) propose steps for  
153 improving schools’ access to clinically, culturally and linguistically appropriate services; (iv)  
154 identify and recommend evidenced-based training programs and professional development for  
155 school staff on addressing students’ behavioral health and creating safe and supportive learning  
156 environments; (v) identify federal funding sources that can be leveraged to support statewide  
157 implementation of the framework; (vi) develop recommendations on best practices for  
158 collaboration with families, including families of children with behavioral health needs; and (vii)  
159 examine and recommend model approaches for integrating school action plans, required under  
160 subsection (e), with school improvement plans and for using the framework to organize other  
161 school and district improvement processes.

162           The commission may collect and review data and feedback from schools as they  
163 complete the self-assessment tool and develop school action plans, and may convene  
164 stakeholders to facilitate solutions to challenges as they arise during the implementation process.  
165 The commission may request from the department such information and assistance as may be  
166 necessary to complete its work.

167           The commission shall consult with and solicit input from various persons and groups,  
168 including, but not limited to: (i) the office of the child advocate; (ii) the department of early  
169 education and care; (iii) the department of children and families; (iv) the department of mental  
170 health; (v) the department of public health; (vi) the department of youth services; (vii) the  
171 department of developmental services; and (viii) any other parties or entities the commission  
172 deems appropriate.

173           The commission shall prepare and submit an annual progress report concerning the  
174 commission's activities with appropriate recommendations, together with drafts of legislation  
175 necessary to carry out such recommendations, if any, on or before December 31 The commission  
176 shall meet not fewer than 4 times annually. The commission shall submit such annual report to  
177 the governor and the clerks of the senate and the house of representatives, who shall forward the  
178 same to the chairs of the joint committee on education, the chairs of the joint committee on  
179 mental health and substance abuse, the chairs of the joint committee on children, families and  
180 persons with disabilities, and the chairs of the house and senate committees on ways and means.  
181 The first 3 annual reports shall include recommendations regarding: (i) federal funding sources  
182 that may support statewide implementation of the safe and supportive schools framework; (ii)  
183 training programs and professional development for school staff on creating safe and supportive  
184 learning environments; (iii) improving access to clinically, culturally and linguistically  
185 appropriate services; and (iv) addressing the administrative functions necessary to carry out the  
186 implementation of the safe and supportive schools framework.

187           SECTION 7. Subsection (a) of section 8A of chapter 69 of the General Laws, as so  
188 appearing, is hereby amended by striking out the third paragraph and inserting in place thereof  
189 the following paragraph:-

190           Plans shall be developed in consultation with the school principal, school nurse, school  
191 athletic director, team physicians, coaches, trainers and local police, fire and emergency  
192 personnel, as appropriate. Schools shall practice the response sequence at the beginning of each  
193 school year and periodically throughout the year and evaluate and modify the plan as necessary.  
194 School officials shall review the response sequence with local fire and police officials at least 1  
195 time each year and shall conduct periodic walk-throughs of school campuses. Plans shall be  
196 submitted once every 3 years to the department of elementary and secondary education, the local  
197 police department and the local fire department not later than September 1. Plans shall be  
198 updated in the event of new construction or physical changes to the school campus as determined  
199 by the local police department.

200           SECTION 8. Section 3A of chapter 70B of the General Laws, as so appearing, is hereby  
201 amended by striking out subsection (a) and inserting in place thereof the following paragraph:-

202           There shall be a school building advisory board comprised of: the state auditor or a  
203 designee; the inspector general or a designee; the superintendent of the state police or a designee;  
204 the state fire marshal or a designee; the director of the Massachusetts emergency management  
205 agency; the executive director of the authority, who shall serve as the secretary to the advisory  
206 board and shall be a nonvoting member of the board; and 17 members to be appointed by and  
207 represent the following nongovernmental organizations: Massachusetts Municipal Association,  
208 Inc., Massachusetts Association of School Committees, Inc., the Massachusetts Mayors  
209 Association, Inc., Massachusetts Association of School Superintendents, Inc., Massachusetts  
210 Association of Regional Schools, Inc., Massachusetts Building Trades Council, the

211 Massachusetts chapter of Associated Builders & Contractors, Inc., Massachusetts Alliance for  
212 Small Contractors, American Council of Engineering Companies of Massachusetts, Associated  
213 Subcontractors of Massachusetts, Inc., American Institute of Architects-Massachusetts,  
214 Massachusetts Smart Growth Alliance, Massachusetts Taxpayers Foundation, Inc., Associated  
215 General Contractors of Massachusetts, Inc., Massachusetts Chiefs of Police Association  
216 Incorporated, Fire Chiefs' Association of Massachusetts, Inc. and acting jointly, the  
217 Massachusetts Teachers Association and Massachusetts Federation of Teachers. The advisory  
218 board shall assist the authority in the development of general policy regarding school building  
219 construction, renovation, reconstruction, maintenance and facility space, preservation of open  
220 space and minimization of loss of open space, thoughtful community development, cost  
221 management, adequate provisions for safety and security and shall provide technical advice and  
222 input to the authority. The advisory board shall meet at least quarterly.

223 SECTION 9. Section 14 of said chapter 70B, as so appearing, is hereby amended by  
224 inserting after the word "equipment", in line 5, the following words:- , including upgrades and  
225 technological devices necessary for enhanced safety and security.

226 SECTION 10. Said chapter 70B of the General Laws is hereby further amended by  
227 adding following section:-

228 Section 20. The authority shall, in cooperation with a school district or municipality,  
229 submit plans or blueprints approved by the authority, associated with approved construction,  
230 renovation or reconstruction of a school building, to the local police department, fire department,  
231 Massachusetts emergency management agency and any regional law enforcement entity. The  
232 plans shall identify points of entry into a school building, emergency access routes for ingress or  
233 egress and other public safety features, including, but not limited to: fire hydrants, utility access  
234 points and stairwells. Any department in receipt of such plans may submit comments to the  
235 authority and school district. Upon completion of the approved construction, the authority shall,  
236 subject to appropriation, in cooperation with a school district or municipality, submit updated,  
237 as-built plans to the local police department, fire department, Massachusetts emergency  
238 management agency and any regional law enforcement entity, a copy of which shall be  
239 maintained on file by each department or agency in receipt of the plans. Plans submitted pursuant  
240 to this section shall be deemed confidential and shall not be considered public records under  
241 clause Twenty-sixth of section 7 of chapter 4.

242 SECTION 11. Chapter 71 of the General Laws is hereby amended by inserting after  
243 section 37O the following 3 sections:-

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

246 "Chief of police", the chief of police or the board or officer having control of the police  
247 in a city or town.

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

253 (b) Every chief of police, in consultation with the superintendent and subject to  
254 appropriation, shall assign at least 1 school resource officer to serve the city, town, a  
255 commonwealth charter school, regional school district or county agricultural school. In the case  
256 of a regional school district, a commonwealth charter school or county agriculture school, the  
257 chief of police of the city or town where the school is located, in consultation with the  
258 superintendent, shall assign the school resource officer, which may be the same officer for all  
259 schools in the city or town.

260 In assigning a school resource officer, the chief of police shall consider candidates that  
261 the chief believes would strive to foster an optimal learning environment and educational  
262 community; provided, further, that the chief of police may give preference to candidates who  
263 have received specialized training in child and adolescent development, de-escalation and  
264 conflict resolution techniques with children and adolescents, behavioral health disorders in  
265 children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and  
266 behavioral threat assessment methods. The appointment shall not be based solely on seniority.  
267 The performance of school resource officers shall be reviewed annually by the superintendent  
268 and the chief of police. The superintendent and the chief of police shall enter into a written  
269 memorandum of understanding to clearly define the role and duties of the school resource officer  
270 which shall be placed on file in the office of the school superintendent.

271 (c) Upon written application by a school department of a city or town, in consultation  
272 with the chief of police, a regional school district or a county agricultural school, the  
273 commissioner of elementary and secondary education may waive the requirements of this section  
274 if the commissioner believes a school resource officer would not assist that particular city or  
275 town, regional school district or county agricultural school to ensure school safety. The written  
276 application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting  
277 the waiver request; and (iii) a description of, and supporting data for, alternative procedures and  
278 resources relied upon to ensure safe schools.

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

281 (e) Notwithstanding subsection (b), if the chief of police, in consultation with the  
282 superintendent, determines that there are not sufficient resources to assign a school resource  
283 officer to serve the city, town, regional school district or county agricultural school, the chief of  
284 police shall consult with the department of state police to ensure that a school resource officer is

285 assigned, subject to appropriation; provided further, that if a state police officer is assigned to a  
286 city, town, regional school district or county agricultural school, assignment shall not be based  
287 solely on seniority and a candidate shall be considered who would strive to foster an optimal  
288 learning environment and educational community; provided further, that there shall be placed on  
289 file in the office of the superintendent and the department of state police a memorandum of  
290 understanding clearly defining the roles and duties of the school resource officer.

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

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

297 "Approved private day or residential school", a school that accepts, through agreement  
298 with a school committee, a child requiring special education pursuant to section 10 of chapter  
299 71B.

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

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

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

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

307 (b) Each school district, charter school, approved private day or residential school and  
308 collaborative school shall develop and adhere to a plan to address the general mental health  
309 needs of its students, including the students' families, teachers and school administrators. Each  
310 plan shall also address the potential need for emergency and acute treatment for students,  
311 including the students' families, teachers and school administrators as a result of a tragedy or  
312 crisis within the district or school. Before September 1 of each year, each school district, charter  
313 school, approved private day or residential school and collaborative school shall review and  
314 update its plan to achieve best practices.

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

317 (d) No public employer shall be liable for injury, loss of property, personal injury or  
318 death caused by an act or omission of a public employee while acting in the scope of the public

319 employee's employment and arising out of the implementation of this section. This section shall  
320 not be construed as creating or imposing a specific duty of care.

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

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

327 "Two-way communication device", a device capable of transmitting, conveying, or  
328 routing real-time, two-way voice communications through radio frequency.

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

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

336 SECTION 12. Said chapter 71 is hereby further amended by adding the following  
337 section:-

338 Section 95. (a) The department, subject to appropriation, shall adopt rules to require that  
339 all public school districts and commonwealth charter schools provide at least 2 hours of suicide  
340 awareness and prevention training every 3 years to all licensed school personnel. A new hire  
341 shall obtain the training within 6 months of being hired. The training shall be provided within the  
342 framework of existing in-service training programs offered by the department or as part of  
343 required professional development activities.

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

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

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

354 SECTION 13. Chapter 111 of the General Laws is hereby amended by adding the  
355 following section:-

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

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

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

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

374 SECTION 14. Chapter 112 of the General Laws is hereby amended by inserting after  
375 section 5M the following section:-

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

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

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

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

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

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

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

399 SECTION 15. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby  
400 amended by adding the following 4 paragraphs:-

401 The court, in its order, shall specify whether such commitment is based upon a finding  
402 that the person is a person with an alcohol use disorder, substance use disorder, or both. The  
403 court, upon ordering the commitment of a person found to be a person with an alcohol use  
404 disorder or substance use disorder pursuant to this section, shall transmit the person's name and  
405 nonclinical identifying information, including the person's social security number and date of  
406 birth, to the department of criminal justice information services. The court shall notify the person  
407 that such person is prohibited from being issued a firearm identification card pursuant to section  
408 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140  
409 unless a petition for relief pursuant to this section is subsequently granted.

410 After 5 years from the date of commitment, a person found to be a person with an alcohol  
411 use disorder or substance use disorder and committed pursuant to this section may file a petition  
412 for relief with the court that ordered the commitment requesting that the court restore the  
413 person's ability to possess a firearm, rifle or shotgun. The court may grant the relief sought in  
414 accordance with the principles of due process if the circumstances regarding the person's  
415 disqualifying condition and the person's record and reputation are determined to be such that: (i)  
416 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting  
417 of relief would not be contrary to the public interest. In making the determination, the court may  
418 consider evidence from a licensed physician or clinical psychologist that the person is no longer  
419 suffering from the disease or condition that caused the disability or that the disease or condition  
420 has been successfully treated for a period of 3 consecutive years.

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

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

428 SECTION 16. Section 36A of said chapter 123, as so appearing, is hereby amended by  
429 adding the following paragraph:-

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

442 SECTION 17. Said chapter 123 is hereby further amended by adding the following  
443 section:-

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

452 (b) After 5 years from the date of commitment, a person committed pursuant to sections  
453 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c)  
454 of section 16 may file a petition for relief with the court that ordered the commitment requesting  
455 the court to restore the person's ability to possess a firearm. The court may grant the relief sought  
456 in accordance with the principles of due process if the circumstances regarding the person's  
457 disqualifying condition and the person's record and reputation are determined to be such that: (i)

458 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting  
459 of relief would not be contrary to the public interest. In making the determination, the court may  
460 consider evidence from a licensed physician or clinical psychologist that the person is no longer  
461 suffering from the disease or condition that caused the disability or that the disease or condition  
462 has been successfully treated for a period of 3 consecutive years.

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

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

468 SECTION 18. The first paragraph of section 14 of chapter 131 of the General Laws, as  
469 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence  
470 the following sentence:-

471 The course shall also include, with respect to the safe handling of firearms, the program  
472 of instruction on harm reduction developed by the division on violence and injury prevention  
473 within the department of public health.

474 SECTION 19. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby  
475 amended by striking out, in line 1, the figure "131P" and inserting in place thereof the following  
476 figure:- 131Q.

477 SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further  
478 amended by striking out, in lines 6 to 8, inclusive, the words "chemical mace or any device or  
479 instrument which contains or emits a liquid, gas, powder or any other substance designed to  
480 incapacitate".

481 SECTION 21. Section 121 of chapter 140, as appearing in the 2012 Official Edition, is  
482 hereby amended by inserting after the definition of "Conviction" the following definition:-

483 "Deceptive weapon device", any device that is intended to convey the presence of a rifle,  
484 shotgun, or firearm, that is used in the commission of a violent crime, as defined in this section,  
485 and which presents an objective threat of immediate death or serious bodily harm to a person of  
486 reasonable and average sensibility.

487 SECTION 22. S § 20 Said chapter 140 of the General Laws is hereby further amended  
488 by inserting after section 122B the following 2 sections:-

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

492 (b) Whoever, not being licensed as provided in section 122B, sells self-defense spray  
493 shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction  
494 for not more than 2 years.

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

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

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

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

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

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

533 (iv) is or has been in recovery from or committed based upon a finding that the person is  
534 a person with an alcohol use disorder or a substance use disorder or both unless a licensed  
535 physician or clinical psychologist deems such person to be in recovery from such condition, in  
536 which case, such person may purchase or possess self-defense spray after 5 years from the date  
537 of such confinement or recovery; provided, however, that prior to such purchase or possession of  
538 self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or  
539 clinical psychologist attesting that such physician or psychologist knows the person's history of  
540 treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

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

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

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

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

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

554 Whoever purchases or possesses self-defense spray in violation of this section shall be  
555 punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not  
556 more than 2 years or both such fine and imprisonment.

557 SECTION 23. Section 123 of said chapter 140, as appearing in the 2012 Official Edition,  
558 is hereby amended by striking out, in lines 37 and 59, the words "Class A", each time they  
559 appear.

560 SECTION 24. Said section 123 of said chapter 140, as so appearing, is hereby further  
561 amended by striking out, in lines 40 and 63, the words "Class A or Class B", each time they  
562 appear.

563 SECTION 25. Said section 123 of said chapter 140, as so appearing, is hereby further  
564 amended by inserting after the word “height”, in line 127, the following words:- , and further that  
565 the licensee shall conspicuously post and distribute at each purchase counter a notice providing  
566 information on suicide prevention developed and provided by the division on violence and injury  
567 prevention within the department of public health. The department of public health shall develop  
568 and make available on its website for download a sign providing the information on suicide  
569 prevention.

570 SECTION 26. Said section 123 of said chapter 140, as so appearing, is hereby further  
571 amended by striking out the second paragraph and inserting in place thereof the following  
572 paragraph:-

573 Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i)  
574 a firearm lawfully owned or possessed under a license issued under this chapter on or before  
575 October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of  
576 the gun control advisory board, established pursuant to section 131½ of chapter 140, as a  
577 firearm solely designed and sold for formal target shooting competition; or (iii) a firearm  
578 designated by the secretary of public safety, with the advice of the gun control advisory board,  
579 established pursuant to section 131 ½ of chapter 140, as a firearm or pistol solely designed and  
580 sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-  
581 annual basis, of firearms designated as “formal target shooting firearms” and “Olympic  
582 competition firearms” in accordance with this paragraph. Such lists shall be made available for  
583 distribution by the executive office of public safety and security.

584 SECTION 27. Section 128 of said chapter 140, as so appearing, is hereby amended by  
585 inserting after the word “sixteenth”, in line 4, the following word :- , seventeenth.

586 SECTION 28. Section 128A of said chapter 140, as so appearing, is hereby amended by  
587 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident  
588 reports within seven days, in writing to the commissioner of the department of criminal justice  
589 information services on forms furnished by said executive director, the names and addresses of  
590 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,  
591 together with a complete description of the firearm, rifle or shotgun, including its designation as  
592 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's  
593 license to carry firearms number, permit to purchase number and identifying number of such  
594 documentation as is used to establish exempt person status in the case of a firearm or the  
595 purchaser's license to carry number or firearm identification card number or said document  
596 identity number, in the case of a rifle or shotgun”.

597 SECTION 29. Said section 128A of said chapter 140, as so appearing, is hereby further  
598 amended by adding the following 4 sentences:-

599 Any sale or transfer conducted pursuant to this section shall comply with section 131E  
600 and shall, prior to or at the point of sale, be conducted over a real time web portal developed by  
601 the department of criminal justice information services. The department of criminal justice  
602 information services shall require each person selling or transferring a firearm, shotgun or rifle  
603 pursuant to this section to electronically provide, through the portal, such information as is  
604 determined to be necessary to verify the identification of the seller and purchaser and ensure that  
605 the sale or transfer complies with this section. Upon submission of the required information, the  
606 portal shall automatically review such information and display a message indicating whether the  
607 seller may proceed with the sale or transfer and shall provide any further instructions for the  
608 seller as determined to be necessary by the department of criminal justice information services.  
609 The department of criminal justice information services shall keep a record of any sale or  
610 transfer conducted pursuant to this section and shall provide the seller and purchaser with  
611 verification of such sale or transfer.

612 SECTION 30. Section 129B of said chapter 140, as so appearing, is hereby amended by  
613 striking out paragraph (1) and inserting in place thereof the following 2 paragraphs:-

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

619 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful  
620 offender or delinquent child, or both as defined in section 52 of chapter 119, for the commission  
621 of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a  
622 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,  
623 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
624 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law  
625 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter  
626 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor  
627 crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except  
628 for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a  
629 crime involving the trafficking of controlled substances, if the applicant has been so convicted or  
630 adjudicated or released from confinement, probation or parole supervision for such conviction or  
631 adjudication, whichever occurs last, for 5 or more years immediately preceding such application,  
632 then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be  
633 deemed restored in the commonwealth with respect to such conviction or adjudication and that  
634 conviction or adjudication shall not disqualify the applicant for a firearm identification card;

635 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful  
636 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable

637 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a  
638 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
639 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
640 may be imposed; (E) a violation of any law regulating the use, possession or sale of controlled  
641 substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under  
642 said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C.  
643 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime  
644 of domestic violence, a violent crime or a crime involving the trafficking of weapons or  
645 controlled substances, if the applicant has been so convicted or adjudicated or released from  
646 confinement, probation or parole supervision for such conviction or adjudication, whichever  
647 occurs last, for 5 or more years immediately preceding such application and the applicant's right  
648 or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the  
649 conviction or adjudication was entered, then the conviction or adjudication shall not disqualify  
650 such applicant for a firearm identification card;

651 (iii) is or has been: (A) except in the case of a commitment pursuant to sections 35 or 36C  
652 of chapter 123, committed to any hospital or institution for mental illness, alcohol or substance  
653 abuse, unless after 5 years from the date of the confinement, the applicant submits with the  
654 application an affidavit of a licensed physician or clinical psychologist attesting that such  
655 physician or psychologist is familiar with the applicant's mental illness, alcohol or substance  
656 abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a  
657 mental illness, alcohol or substance abuse in a manner that should prevent the applicant from  
658 possessing a firearm, rifle or shotgun; (B) committed by an order of a court to any hospital or  
659 institution for mental illness, unless the applicant was granted a petition for relief of the court's  
660 order pursuant to section 36C of chapter 123 and submits a copy of the order for relief with the  
661 application; (C) subject to an order of the probate court appointing a guardian or conservator for  
662 a incapacitated person on the grounds that that applicant lacks the mental capacity to contract or  
663 manage affairs, unless the applicant was granted a petition for relief pursuant to section 56C of  
664 chapter 215 and submits a copy of the order for relief with the application; or (D) found to be a  
665 person with an alcohol use disorder or substance use disorder or both and committed pursuant to  
666 section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's  
667 order pursuant to said section 35 of said chapter 123 and submits a copy of the order for relief  
668 with the application;

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

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

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

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

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

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

683 (x) is a fugitive from justice; or

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

685 (1½) (i) Notwithstanding paragraph (1) to the contrary, the licensing authority may file a  
686 petition to request that an applicant be denied the issuance or renewal of a firearm identification  
687 card, or to suspend or revoke such a card in the district court of jurisdiction. If the licensing  
688 authority files any such petition it shall be accompanied by written notice to the applicant  
689 describing the specific evidence in the petition. Such petition shall be founded upon a written  
690 statement of the reasons for supporting a finding of unsuitability pursuant to clause (iv).

691 (ii) Upon the filing of a petition to deny the issuance or renewal of such a card, the court  
692 shall within 90 days hold a hearing to determine if the applicant is unsuitable under clause (iv) of  
693 this paragraph. Such a petition shall serve to stay the issuance or renewal of such card pending a  
694 judicial determination thereon.

695 (iii) Upon the filing of a petition to suspend or revoke such a card, the court shall within  
696 15 days determine whether there is sufficient evidence to support a finding that the applicant is  
697 unsuitable. Such petition shall serve to effect such suspension or revocation pending a judicial  
698 determination on the sufficiency of evidence. If a court determines that insufficient evidence  
699 exists to support a finding of unsuitability, the licensing authority shall not file a petition under  
700 this clause for the same applicant within 75 days of the licensing authority's previous petition for  
701 that applicant. If a court determines that sufficient evidence exists to support a finding of  
702 unsuitability, the court shall within 75 days hold a hearing to determine if the applicant is  
703 unsuitable under clause (iv) of this paragraph; provided, further, that such initial suspension or  
704 revocation shall remain in effect pending a judicial determination thereon.

705 (iv) A determination of unsuitability shall be based on a preponderance of evidence that  
706 there exists: (A) reliable, articulable, and credible information that the applicant has exhibited or  
707 engaged in behavior to suggest the applicant could potentially create a risk to public safety; or  
708 (B) existing factors that suggest that the applicant could potentially create a risk to public safety.  
709 If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in a

710 writing setting forth the specific reasons for such determination. If a court has not entered a  
711 judgment that an applicant is unsuitable under this clause within 90 days for petitions under  
712 clause (ii) or within 75 days under clause (iii), the court shall enter a judgment that the applicant  
713 is suitable for the purposes of this paragraph.

714 SECTION 31. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is  
715 hereby amended by adding the following 2 sentences:- The licensing authority shall provide to  
716 the applicant a receipt indicating that it received the applicant's application. The receipt shall be  
717 provided to the applicant within 7 days by mail if the application was received by mail or  
718 immediately if the application was made in person; provided, however, that the receipt shall  
719 include the applicants' name, address, current firearm identification card number, if any, the  
720 current card's expiration date, if any, the date when the application was received by the licensing  
721 authority, the name of the licensing authority and its agent that received the application, the  
722 licensing authority's address and telephone number, the type of application, and whether it is an  
723 application for a new card or for renewal of an existing card; and provided further, that a copy of  
724 the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be  
725 furnished to the applicant if requested by the applicant.

726 SECTION 32. Said section 129B of said chapter 140, as so appearing, is hereby further  
727 amended by inserting after the word "card", in line 141, the following words:- issued pursuant to  
728 subclause (vi) of clause (1) of section 122D.

729 SECTION 33. Said section 129B of said chapter 140, as so appearing is hereby amended  
730 by striking out paragraph (6) and inserting in place thereof the following paragraph:-

731 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large  
732 capacity firearm or large capacity feeding device therefor, except under a license issued to a  
733 shooting club as provided under section 131 or under the direct supervision of a holder of a  
734 license issued to an individual under said section 131 at an incorporated shooting club or  
735 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or  
736 large capacity feeding device therefor, except under a license issued to a shooting club as  
737 provided under said section 131 or under the direct supervision of a holder of a license issued to  
738 an individual under said section 131 at an incorporated shooting club or licensed shooting range.  
739 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that  
740 is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued  
741 pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess  
742 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to  
743 temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall  
744 not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or  
745 transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined  
746 in section 121.

747 SECTION 34. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is  
748 hereby amended by striking out the first sentence and inserting in place thereof the following  
749 sentence:- A firearm identification card shall be in a standard form provided by the  
750 commissioner of the department of criminal justice information services in a size and shape  
751 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles  
752 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,  
753 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and  
754 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide  
755 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline  
756 and the Samaritans Statewide Helpline.

757 SECTION 35. Said section 129B of said chapter 140, as so appearing, is hereby further  
758 amended by inserting after the word "issued", in lines 155 and 206, each time it appears, the  
759 following words:- pursuant to subclause (vi) of clause (1) of section 122D.

760 SECTION 36. Said section 129B of said chapter 140, as so appearing, is hereby further  
761 amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

762 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period  
763 of not more than 6 years from the date of issuance, except that if the cardholder applied for  
764 renewal before the card expired, the card shall remain valid after the expiration date on the card  
765 for all lawful purposes, until the application for renewal is approved or denied; provided,  
766 however, if the cardholder is on active duty with the armed forces of the United States on the  
767 expiration date of the card, the card shall remain valid until the cardholder is released from active  
768 duty and for a period of not less than 180 days following such release, except that if the  
769 cardholder applied for renewal prior to the end of such period, the card shall remain valid after  
770 the expiration date on the card for all lawful purposes, until the application for renewal is  
771 approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of  
772 criminal justice information services shall send electronically or by first class mail to the holder  
773 of a firearm identification card, a notice of the expiration of the card not less than 90 days before  
774 its expiration and shall enclose with the notice a form for the renewal of the card. The form for  
775 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not  
776 lost a firearm or had a firearm stolen from the applicant's possession since the date of the  
777 applicant's last renewal or issuance. The commissioner of criminal justice information services  
778 shall include in the notice all pertinent information about the penalties that may be imposed if the  
779 firearm identification card is not renewed. The commissioner of criminal justice information  
780 services shall provide electronic notice of expiration only upon the request of a cardholder. A  
781 request for electronic notice of expiration shall be forwarded to the department on a form  
782 furnished by the commissioner. Any electronic address maintained by the department to provide  
783 electronic notice of expiration shall be considered a firearms record and shall not be disclosed  
784 except as provided in section 10 of chapter 66.

785 SECTION 37. Said section 129B of said chapter 140, as so appearing, is hereby further  
786 amended by striking out, in lines, 195, 218, 219 and 224, the word “clause” and inserting in  
787 place thereof, in each instance, the following word:- paragraph.

788 SECTION 38. Said section 129B of said chapter 140, as so appearing, is hereby further  
789 amended by striking out, in lines 245 and 246, the words “meaning after 90 days beyond the  
790 stated expiration date on the card” and inserting in place thereof the following words:- not  
791 including licenses that remain valid under paragraph (9) because the licensee applied for renewal  
792 before the license expired.

793 SECTION 39. Said section 129B of said chapter 140, as so appearing, is hereby further  
794 amended by striking out, in line 248, the figure “\$500” and inserting in place thereof the  
795 following figure:- \$100.

796 SECTION 40. The third paragraph of section 129C of said chapter 140, as so appearing,  
797 is hereby amended by striking out the last sentence and inserting in place thereof the following 2  
798 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun  
799 or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to  
800 the commissioner of the department of criminal justice information services and the licensing  
801 authority in the city or town where the owner resides shall be punished by a fine of not less than  
802 \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than  
803 \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or  
804 imprisonment for not less than 1 year nor more than 5 years, or by both such fine and  
805 imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for  
806 suspension or permanent revocation of a person's firearm identification card or license to carry  
807 firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary,  
808 no person, who in good faith, reports a loss or theft under this paragraph for the first time shall  
809 be subject to suspension, revocation or be considered unsuitable under section 131 for the  
810 renewal of a lawfully held firearm identification card or license to carry firearms; provided,  
811 however, that persons reporting loss or theft under this paragraph or under section 129B on a  
812 second or subsequent occasion may be subject to suspension, revocation or be considered  
813 unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or  
814 license to carry firearms.

815 SECTION 41. Said section 129C of said chapter 140, as so appearing, is hereby further  
816 amended by striking out the seventh paragraph and inserting in place thereof the following  
817 paragraph:-

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

821 SECTION 42. Section 129D of said chapter 140, as so appearing, is hereby amended by  
822 striking out the first paragraph and inserting in place thereof the following paragraph:-

823 Upon revocation, suspension or denial of an application for a firearm identification card  
824 pursuant to section 129B or for any firearms license if the firearm identification card is not then  
825 in force or for any machine gun license, the person whose application was so revoked, suspended  
826 or denied shall without delay deliver or surrender to the licensing authority where the person  
827 resides all firearms, rifles, shotguns and machine guns and ammunition which the person then  
828 possesses unless an appeal of the revocation or suspension is pending. The person or the  
829 person's legal representative shall have the right, at any time up to 1 year after the delivery or  
830 surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any  
831 licensed dealer or any other person legally permitted to purchase or take possession of the  
832 firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by  
833 the purchaser or transferee and the former owner, the licensing authority shall within 10 days  
834 deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or  
835 purchaser and the licensing authority shall observe due care in the receipt and holding of any  
836 such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the  
837 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in  
838 violation of section 129C transfer the firearms, rifles, shotguns or machine guns or ammunition  
839 to the former owner. The licensing authority shall at the time of delivery or surrender inform the  
840 person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer  
841 the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or other  
842 person legally permitted to purchase or take possession.

843 SECTION 43. The third paragraph of said section 129D of said chapter 140, as so  
844 appearing, is hereby amended by adding the following words:- ; provided, however, that no  
845 firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out  
846 a criminal act pursuant to section 131Q shall be sold at public auction pursuant to this section.

847 SECTION 44. Said section 129D of said chapter 140, as so appearing, is hereby further  
848 amended by inserting after the third paragraph the following paragraph:-

849 If the licensing authority cannot reasonably ascertain a lawful owner within 180 days of  
850 acquisition by the authority, the authority may, in its discretion, trade or dispose of surplus,  
851 donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly  
852 licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or  
853 credited to the municipality in which the authority presides to purchase weapons, equipment or  
854 supplies or for violence reduction or suicide prevention; provided, however, that no firearm,  
855 rifle, shotgun or machine gun or ammunition classified as having been used to carry out a  
856 criminal act pursuant to section 131Q shall be considered surplus, donated, abandoned or junk  
857 for the purposes of this section.

858 SECTION 45. Said chapter 140 is hereby further amended by striking out section 130, as  
859 so appearing, and inserting in place thereof the following 2 sections:-

860 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18  
861 years of age or older who does not hold a permit card issued to that alien pursuant to section  
862 131H or, except as provided in this section or section 131E, whoever sells or furnishes any alien  
863 or any person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever  
864 sells or furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun  
865 or ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or  
866 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date  
867 of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000,  
868 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of  
869 correction for not more than 2½ years or by both such fine and imprisonment.

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

875 SECTION 46. Section 131 of said chapter 140, as appearing in the 2012 Official Edition,  
876 is hereby amended by striking out, in lines 1 and 2, the words “All licenses to carry firearms  
877 shall be designated Class A or Class B, and the issuance and possession of any such license” and  
878 inserting in place thereof the following words:- The issuance and possession of a license to carry  
879 firearms.

880 SECTION 47. Said section 131 of said chapter 140, as so appearing, is hereby further  
881 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the  
882 following 3 paragraphs:-

883 (a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow,  
884 possess and carry: (i) firearms, including large capacity firearms, and feeding devices and  
885 ammunition therefor, for all lawful purposes, subject to such restrictions relative to the  
886 possession, use or carrying of firearms as the licensing authority considers proper; and (ii) rifles  
887 and shotguns, including large capacity weapons, and feeding devices and ammunition therefor,  
888 for all lawful purposes; provided, however, that the licensing authority may impose such  
889 restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it  
890 considers proper. A violation of a restriction imposed by the licensing authority under this  
891 paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be  
892 punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that  
893 section 10 of chapter 269 shall not apply to a violation of this paragraph.

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

908 No large capacity weapon or large capacity feeding device shall be removed from the  
909 premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport  
910 the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on  
911 the premises of another club incorporated under the laws of the commonwealth and to transport  
912 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted  
913 under the supervision of or approved by a public law enforcement agency or a nationally or state  
914 recognized entity that promotes proficiency in or education about semiautomatic weapons and to  
915 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or  
916 feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding  
917 device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be  
918 secured in a locked container and shall be unloaded during any lawful transport. The clerk or  
919 other corporate officer of the club shall annually file a report with the colonel of state police and  
920 the commissioner of criminal justice information services listing all large capacity weapons and  
921 large capacity feeding devices owned or possessed under the license. The colonel or a designee  
922 may inspect all firearms owned or possessed by the club upon request during regular business  
923 hours and the colonel may revoke or suspend a club license for a violation of this chapter or  
924 chapter 269 relative to the ownership, use or possession of large capacity weapons or large  
925 capacity feeding devices.

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

929 SECTION 48. Said section 131 of said chapter 140, as so appearing, is hereby further  
930 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

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

940 A prohibited person shall be a person who:

941 (i) has, in a court of the commonwealth, been convicted or adjudicated a youthful  
942 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of  
943 (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a  
944 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,  
945 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
946 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law  
947 regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter  
948 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of  
949 domestic violence as defined in 18 U.S.C. 921(a)(33);

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

959 (iii) is or has been (A) committed to a hospital or institution for mental illness, alcohol or  
960 substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless  
961 after 5 years from the date of the confinement, the applicant submits with the application an  
962 affidavit of a licensed physician or clinical psychologist attesting that such physician or  
963 psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in  
964 the physician's or psychologist's opinion, the applicant is not disabled by a mental illness,  
965 alcohol or substance abuse in a manner that shall prevent the applicant from possessing a  
966 firearm, rifle or shotgun; (B) committed by a court order to a hospital or institution for mental  
967 illness, unless the applicant was granted a petition for relief of the court order pursuant to said  
968 section 36C of said chapter 123 and submits a copy of the court order with the application; (C)

969 subject to an order of the probate court appointing a guardian or conservator for a incapacitated  
970 person on the grounds that the applicant lacks the mental capacity to contract or manage the  
971 applicant's affairs, unless the applicant was granted a petition for relief of the order of the  
972 probate court pursuant to section 56C of chapter 215 and submits a copy of the order of the  
973 probate court with the application; or (D) found to be a person with an alcohol use disorder or  
974 substance use disorder or both and committed pursuant to said section 35 of said chapter 123,  
975 unless the applicant was granted a petition for relief of the court order pursuant to said section 35  
976 and submits a copy of the court order with the application;

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

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

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

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

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

987 (ix) is a fugitive from justice; or

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

989 The licensing authority may deny the application or renewal of a license to carry, or  
990 suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the  
991 licensing authority determines that the applicant or licensee is unsuitable to be issued or to  
992 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable  
993 and credible information that the applicant or licensee has exhibited or engaged in behavior that  
994 suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or  
995 (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a  
996 risk to public safety. Upon denial of an application or renewal of a license based on a  
997 determination of unsuitability, the licensing authority shall notify the applicant in writing setting  
998 forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking  
999 or suspending a license based on a determination of unsuitability, the licensing authority shall  
1000 notify the holder of a license in writing setting forth the specific reasons for the determination in  
1001 accordance with paragraph (f). The determination of unsuitability shall be subject to judicial  
1002 review under said paragraph (f).

1003 SECTION 49. Paragraph (d) of said section 131 of said chapter 140, as appearing in  
1004 section 45, is hereby further amended by striking out the first sentence and inserting in place  
1005 thereof the following sentence:- A person residing or having a place of business within the  
1006 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing  
1007 authority or any person residing in an area of exclusive federal jurisdiction located within a city  
1008 or town may submit to the licensing authority or the colonel of state police an application for a  
1009 license to carry firearms, or renewal of the same, which the licensing authority or the colonel  
1010 may issue if it appears that the applicant is not a prohibited person as set forth in this section to  
1011 be issued a license and that the applicant has good reason to fear injury to the applicant or the  
1012 applicant's property or for any other reason, including the carrying of firearms for use in sport or  
1013 target practice only, subject to the restrictions expressed or authorized under this section.

1014 SECTION 50. Paragraph (e) of said section 131 of said chapter 140, as appearing in the  
1015 2012 Official Edition, is hereby amended by adding the following paragraph:- The licensing  
1016 authority shall provide to the applicant a receipt indicating that it received the application. The  
1017 receipt shall be provided to the applicant within 7 days by mail if the application was received by  
1018 mail or immediately if the application was made in person; provided, however, that the receipt  
1019 shall include the applicant's name and address; current license number and license expiration  
1020 date, if any; the date the licensing authority received the application; the name, address and  
1021 telephone number of the licensing authority; the agent of the licensing authority that received the  
1022 application; the type of application; and whether the application is for a new license or a renewal  
1023 of an existing license. The licensing authority shall keep a copy of the receipt for not less than 1  
1024 year and shall furnish a copy to the applicant if requested by the applicant.

1025 SECTION 51. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is  
1026 hereby amended by striking out the second paragraph and inserting in place thereof the following  
1027 paragraph:- Any applicant or holder aggrieved by a denial, revocation, suspension or restriction  
1028 placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,  
1029 within either 90 days after receiving notice of the denial, revocation or suspension or within 90  
1030 days after the expiration of the time limit during which the licensing authority shall respond to  
1031 the applicant or, in the case of a restriction, any time after a restriction is placed on the license  
1032 pursuant to this section, file a petition to obtain judicial review in the district court having  
1033 jurisdiction in the city or town in which the applicant filed the application or in which the license  
1034 was issued. If after a hearing a justice of the court finds that there was no reasonable ground for  
1035 denying, suspending, revoking or restricting the license and that the petitioner is not prohibited  
1036 by law from possessing a license, the justice may order a license to be issued or reinstated to the  
1037 petitioner or may order the licensing authority to remove certain restrictions placed on the  
1038 license.

1039 SECTION 52. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is  
1040 hereby amended by striking out the first and second sentences and inserting in place thereof the  
1041 following 3 sentences:- A license shall be in a standard form provided by the commissioner of

1042 criminal justice information services in a size and shape equivalent to that of a license to operate  
1043 motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and  
1044 shall contain a license number which shall clearly indicate the name, address, photograph,  
1045 fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the  
1046 licensee. The license shall be clearly marked "License to Carry Firearms". The license shall  
1047 provide in a legible font size and style the phone numbers for the National Suicide Prevention  
1048 Lifeline and the Samaritans Statewide Helpline.

1049 SECTION 53. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is  
1050 hereby amended by striking out the first sentence and inserting in place thereof the following 3  
1051 sentences:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for  
1052 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the  
1053 licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of  
1054 issue; provided, however, that, if the licensee applied for renewal before the license expired, the  
1055 license shall remain valid after its expiration date for all lawful purposes until the application for  
1056 renewal is approved or denied. If a licensee is on active duty with the armed forces of the United  
1057 States on the expiration date of the license, the license shall remain valid until the licensee is  
1058 released from active duty and for a period not less than 180 days following the release; provided,  
1059 however, that, if the licensee applied for renewal prior to the end of that period, the license shall  
1060 remain valid after its expiration date for all lawful purposes until the application for renewal is  
1061 approved or denied. An application for renewal of a Class B license filed before the license has  
1062 expired shall not extend the license beyond the stated expiration date; provided, that the Class B  
1063 license shall expire on the anniversary of the licensee's date of birth occurring not less than 5  
1064 years nor more than 6 years from the date of issue.

1065 SECTION 54. Said paragraph (i) of said section 131 of said chapter 140 is hereby further  
1066 amended by striking out the first 3 sentences, as appearing in section 50, and inserting in place  
1067 thereof the following 2 sentences:- A license to carry or possess firearms shall be valid, unless  
1068 revoked or suspended, for a period of not more than 6 years from the date of issue and shall  
1069 expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more  
1070 than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal  
1071 before the license expired, the license shall remain valid after its expiration date for all lawful  
1072 purposes until the application for renewal is approved or denied. If a licensee is on active duty  
1073 with the armed forces of the United States on the expiration date of the license, the license shall  
1074 remain valid until the licensee is released from active duty and for a period not less than 180  
1075 days following the release; provided, however, that, if the licensee applied for renewal prior to  
1076 the end of that period, the license shall remain valid after its expiration date for all lawful  
1077 purposes until the application for renewal is approved or denied.

1078 SECTION 55. Said section 131 of said chapter 140, as appearing in the 2012 Official  
1079 Edition, is hereby further amended by inserting after the word "For", in line 254, the following  
1080 words:- active and retired.

1081 SECTION 56. Paragraph (1) of said section 131 of said chapter 140, as so appearing, is  
1082 hereby amended by inserting after the first sentence the following sentence:- The form for  
1083 renewal shall include an affidavit in which the applicant shall verify that the applicant has not  
1084 lost any firearms or had any firearms stolen from the applicant's since the date of the applicant's  
1085 last renewal or issuance.

1086 SECTION 57. Said section 131 of said chapter 140, as so appearing, is hereby further  
1087 amended by striking out, in lines 317 to 320, inclusive, the words "meaning after 90 days beyond  
1088 the stated expiration date on the license, but who shall not be disqualified from renewal upon  
1089 application therefor under this section, shall be subject to a civil fine of not less than \$500" and  
1090 inserting in place thereof the following words:- not including licenses that remain valid under  
1091 paragraph (i) because the licensee applied for renewal before the license expired, but who shall  
1092 not be disqualified from renewal upon application therefor pursuant to this section, shall be  
1093 subject to a civil fine of not less than \$100.

1094 SECTION 58. Said chapter 140 is hereby further amended by striking out section 131C  
1095 and inserting in place thereof the following section:-Section 131C.

1096 (a) No person carrying a loaded firearm under a license issued pursuant to section 131 or  
1097 131F shall carry the loaded firearm in a vehicle unless the loaded firearm while carried in the  
1098 vehicle is under the direct control of the person. Whoever violates this subsection shall be  
1099 punished by a fine of \$500.

1100 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant  
1101 to section 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the  
1102 large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or  
1103 in a locked case or other secure container. Whoever violates this subsection shall be punished by  
1104 a fine of not less than \$500 nor more than \$5,000.

1105 (c) This section shall not apply to: (i) an officer, agent or employee of the  
1106 commonwealth, any state or the United States; (ii) a member of the military or other service of  
1107 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or  
1108 employee of a municipality of the commonwealth; provided, however, that a person described in  
1109 clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the  
1110 weapon so carried or possessed and is acting within the scope of the person's official duties.

1111 (d) A conviction of a violation of this section shall be reported immediately by the court  
1112 or magistrate to the licensing authority. The licensing authority shall immediately revoke the  
1113 firearm identification card or license of the person convicted of a violation of this section. No  
1114 new firearm identification card or license may be issued to a person convicted of a violation of  
1115 this section until 1 year after the date of revocation of the firearm identification card or license.

1116 SECTION 59. Said chapter 140 is hereby further amended by striking out section 131E  
1117 and inserting in place thereof the following section:-

1118 Section 131E. A resident of the commonwealth may purchase firearms, rifles, shotguns  
1119 and ammunition feeding devices from a dealer licensed pursuant to section 122 or from a person  
1120 qualified pursuant to section 128A or may purchase ammunition from a licensee under section  
1121 122B subject to the following conditions and restrictions:

1122 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon  
1123 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid  
1124 license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status  
1125 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity  
1126 feeding devices therefor may be so purchased only upon presentment of a license to carry  
1127 firearms issued pursuant to said section 131; and provided further, that no rifle, shotgun,  
1128 ammunition or ammunition feeding device therefor shall be sold to a person younger than 18  
1129 years of age; and provided further, that no large capacity rifle, shotgun or large capacity feeding  
1130 device therefor shall be sold to a person younger than 21 years of age; and

1131 (b) firearms and feeding devices therefor, including large capacity firearms and large  
1132 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid  
1133 license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card  
1134 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;  
1135 provided, however, that neither a firearm identification card issued pursuant to said section 129B  
1136 nor proof of exempt status under said section 129C shall be valid to purchase a firearm or  
1137 ammunition feeding device therefor, including large capacity firearms and large capacity feeding  
1138 devices therefor, without being presented together with a valid and proper permit to purchase  
1139 issued under section 131A; and provided further, that an alien permit to possess a rifle or shotgun  
1140 shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and  
1141 provided further, that no firearm, ammunition or ammunition feeding device therefor shall be  
1142 sold to a person younger than 21 years of age.

1143 A firearms collector, licensed pursuant to 18 U.S.C. 923(b), may purchase a rifle, shotgun  
1144 or firearm that was not previously owned or registered in the commonwealth from a dealer  
1145 licensed under section 122 if that rifle, shotgun or firearm is a curio or relic as defined in 27 CFR  
1146 478.11.

1147 A person who uses a license to carry firearms or a firearm identification card to purchase  
1148 a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an  
1149 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or  
1150 by imprisonment for not less than 2½ years nor more than 10 years in a state prison or by both  
1151 such fine and imprisonment. A conviction of a violation of this section shall be reported  
1152 immediately by the court to the licensing authority that issued the license or firearm

1153 identification card. The licensing authority shall immediately revoke the license or firearm  
1154 identification card pursuant to said section 129B or said section 131 and no license shall be  
1155 issued to a person convicted of a violation of this section within 2 years after the date of the  
1156 revocation of the license or firearm identification card.

1157 SECTION 60. Section 131F of said chapter 140, as appearing in the 2012 Official  
1158 Edition, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

1159 SECTION 61. The first paragraph of said section 131F of said chapter 140, as so  
1160 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the  
1161 following clause:-

1162 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful  
1163 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable  
1164 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a  
1165 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
1166 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
1167 may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled  
1168 substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of domestic  
1169 violence as defined in 18 U.S.C. 921(a)(33).

1170 SECTION 62. Said section 131F of said chapter 140, as so appearing, is hereby further  
1171 amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of  
1172 an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof  
1173 the following words:-

1174 (v) is currently the subject of an outstanding arrest warrant in any state or federal  
1175 jurisdiction;

1176 (vi) has been discharged from the armed forces of the United States under dishonorable  
1177 conditions;

1178 (vii) is a fugitive from justice;

1179 (viii) having been a citizen of the United States, has renounced that citizenship;

1180 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the  
1181 United States; or

1182 (x) not being a citizen or national of the United States, has been admitted to the United  
1183 States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been  
1184 admitted to the United States for lawful hunting or sporting purposes or is in possession of a  
1185 hunting license or permit lawfully issued in the United States or another exception set forth in 18  
1186 U.S.C. 922(y)(2) applies.

1187 SECTION 63. The fourth paragraph of said section 131F of said chapter 140, as so  
1188 appearing, is hereby amended by striking out the first and second sentences and inserting in place  
1189 thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be  
1190 clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase  
1191 firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large  
1192 capacity feeding device therefor may be carried if the person has been issued a license. The  
1193 colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided,  
1194 however, that this entitlement shall be clearly indicated on the license.

1195 SECTION 64. Section 131L of said chapter 140, as so appearing, is hereby amended by  
1196 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3  
1197 subsections:-

1198 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun  
1199 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by  
1200 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case  
1201 of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than  
1202 \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such  
1203 fine and imprisonment.

1204 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is  
1205 not a large capacity weapon and the weapon was stored or kept in a place where a person  
1206 younger than 18 years of age who does not possess a valid firearm identification card issued  
1207 under section 129B may have access without committing an unforeseeable trespass, by a fine of  
1208 not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1½ years nor  
1209 more than 12 years or by both such fine and imprisonment.

1210 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a  
1211 large capacity weapon, firearm or machine gun that was stored or kept in a place where a person  
1212 younger than 18 years of age may have access without committing an unforeseeable trespass, by  
1213 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4  
1214 years nor more than 15 years or by both such fine and imprisonment.

1215 SECTION 65. Section 131M of said chapter 140, as so appearing, is hereby amended by  
1216 striking out, in line 12, the words “for purposes of law enforcement”.

1217 SECTION 66. Section 131P of said chapter 140, as so appearing, is hereby amended by  
1218 striking out, in lines 12 to 17, inclusive, the words “; and provided further, that an applicant for a  
1219 firearms identification card for the sole purpose of purchasing or possessing chemical mace,  
1220 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily  
1221 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for  
1222 receiving such card”.

1223 SECTION 67. Subsection (a) of said section 131P of chapter 140, as so appearing, is  
1224 hereby amended by adding the following paragraph:- A current member of the United States  
1225 military or the Massachusetts National Guard who has not been prohibited under said section  
1226 129B from owning a firearm and has received adequate training while serving in the military  
1227 shall be exempt from being required to submit a basic firearms safety certificate to the licensing  
1228 authority upon submitting a copy of the member's most current military identification form.

1229 SECTION 68. Said section 131P of said chapter 140, as so appearing, is hereby further  
1230 amended by striking out, in lines 2 and 66, the words "Class A or Class B", each time they  
1231 appear.

1232 SECTION 69. Said section 131P of said chapter 140, as so appearing, is hereby further  
1233 amended by adding the following subsection:-

1234 (f) The colonel of state police shall produce and distribute public service announcements  
1235 to encourage and educate the general public about: (i) safe storage and transportation of weapons  
1236 pursuant to sections 131C and 131L; and (ii) importance of firearms safety education and  
1237 training, including information on places and classes that a person may attend to obtain firearms  
1238 safety education and training.

1239 SECTION 70. Said chapter 140 is hereby further amended by inserting after said section  
1240 131P the following section:-

1241 Section 131Q. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault  
1242 weapon used to carry out a criminal act shall be traced by the licensing authority for the city or  
1243 town in which the crime took place. The licensing authority shall report statistical data, when the  
1244 data is readily available as determined by the chief of police, including, but not limited to: (i) the  
1245 make, model, serial number and caliber of the weapon used; (ii) the type of crime committed;  
1246 (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on  
1247 the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the  
1248 criminal use of the firearm was related to known gang activity; (vii) whether the weapon was  
1249 obtained illegally; (viii) whether the weapon was lost or stolen; and (ix) whether the person using  
1250 the weapon was otherwise a prohibited person.

1251 The data shall be reported to the commonwealth fusion center or the criminal firearms  
1252 and trafficking unit within the division of investigation and intelligence in the department of state  
1253 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce  
1254 an annual report by December 31 of each year regarding crimes committed in the commonwealth  
1255 using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons,  
1256 including all of the categories of data contained in this section, and shall submit a copy of the  
1257 report to the joint committee on public safety and homeland security, the clerks of the house of  
1258 representatives and the senate and, upon request, to criminology, public policy and public health  
1259 researchers and other law enforcement agencies.

1260 SECTION 71. Section 3C of chapter 209A of the General Laws, as appearing in the 2012  
1261 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,  
1262 including a Class A or Class B license,”.

1263 SECTION 72. Said chapter 209A is hereby further amended by inserting after section 3C  
1264 the following section:-

1265 Section 3D. Upon an order for suspension or surrender issued pursuant to sections 3B or  
1266 3C, the court shall transmit a report containing the defendant’s name and identifying information  
1267 and a statement describing the defendant’s alleged conduct and relationship to the plaintiff to the  
1268 department of criminal justice information services. Upon the expiration, cancellation or  
1269 revocation of the order, the court shall transmit a report containing the defendant’s name and  
1270 identifying information, a statement describing the defendant’s alleged conduct and relationship  
1271 to the plaintiff and an explanation that the order is no longer current or valid to the department of  
1272 criminal justice information services who shall transmit the report, pursuant to paragraph (h) of  
1273 section 167A of chapter 6, to the attorney general of the United States to be included in the  
1274 National Instant Criminal Background Check System.

1275 SECTION 73. Chapter 215 of the General Laws is hereby amended by inserting after  
1276 section 56B the following section:-

1277 Section 56C. (a) Notwithstanding any general or special law, to the contrary, the  
1278 administrative office of the trial court shall transmit an order of the probate court appointing a  
1279 guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter  
1280 190B, on the grounds that the person lacks mental capacity to contract or manage the person’s  
1281 affairs, and any subsequent order terminating or rescinding the appointment, to the department of  
1282 criminal justice information services to provide: (i) licensing authorities as defined pursuant to  
1283 section 121 of chapter 140 with information required or permitted to be considered under state  
1284 and federal law to conduct background checks for firearm sales or licensing; and (ii) the  
1285 Attorney General of the United States with information required or permitted under federal law  
1286 to be included in the National Instant Criminal Background Check System maintained to conduct  
1287 background checks for firearms sales or licensing. The department shall transmit no more  
1288 information than is necessary for the purpose stated above and the information shall not be  
1289 considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of  
1290 chapter 66.

1291 (b) A person found to lack the mental capacity to contract or manage the person’s affairs  
1292 may, after 5 years from the date of the finding, file a petition for relief with the probate court that  
1293 ordered the commitment requesting the court to restore the person's ability to possess a firearm.  
1294 The court may grant the relief sought in accordance with due process if the circumstances  
1295 regarding the person's disqualifying condition and the person's record and reputation are  
1296 determined to be such that: (i) the person is not likely to act in a manner that is dangerous to

1297 public safety; and (ii) the granting of relief would not be contrary to the public interest. In  
1298 making the determination, the court may consider evidence from a licensed physician or clinical  
1299 psychologist that the person is no longer suffering from the disease or condition that caused the  
1300 incapacity or that the disease or condition has been successfully treated for a period of 3  
1301 consecutive years. Upon the granting of a petition for relief, the administrative office of the trial  
1302 court shall immediately forward a copy of the order for relief to the department of criminal  
1303 justice information services for the purposes listed in subsection (a).

1304 SECTION 74. Section 2 of chapter 258E of the General Laws, as appearing in the 2012  
1305 Official Edition, is hereby amended by striking out, in line 6, the figure “17” and inserting in  
1306 place thereof the following figure:- 18.

1307 SECTION 75. Section 13D of chapter 265 of the General Laws, as amended by section  
1308 177 of chapter 165 of the acts of 2014, is hereby further amended by adding the following  
1309 paragraph:- Whoever commits an offense under this section and which includes an attempt to  
1310 disarm a police officer in the performance of the officer’s duty shall be punished by  
1311 imprisonment in the state prison for not more than 10 years or by a fine of not more than \$1,000  
1312 and imprisonment in a jail or house of correction for not more than 2½ years.

1313 SECTION 76. Said chapter 265 is hereby further amended by inserting after section 13M  
1314 the following section:-

1315 Section 13N. Upon entry of a conviction for any misdemeanor offense that has as an  
1316 element the use or attempted use of physical force or the threatened use of a deadly weapon the  
1317 court shall determine whether the victim or intended victim was a family or household member,  
1318 as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a  
1319 family or household member of the defendant, the court shall enter the offense, the chapter,  
1320 section and subsection, if any, of the offense and the relationship of the defendant to the victim  
1321 or intended victim upon the records and this entry shall be forwarded to the department of  
1322 criminal justice information services for inclusion in the criminal justice information system and  
1323 to provide the attorney general of the United States with information required or permitted under  
1324 federal law to be included in the National Instant Criminal Background Check System or any  
1325 successor system maintained to conduct background checks for firearm sales or licensing.

1326 SECTION 77. Section 15A of said chapter 265, as appearing in the 2012 Official Edition,  
1327 is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof  
1328 the following figure:- 18.

1329 SECTION 78. Said section 15A of said chapter 265, as so appearing, is hereby further  
1330 amended by striking out, in line 43, the figure “17” and inserting in place thereof the following  
1331 figure:- 18.

1332 SECTION 79. Section 15B of said chapter 265, as so appearing, is hereby amended by  
1333 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-  
1334 18.

1335 SECTION 80. Said chapter 265 is hereby further amended by inserting after section 15C  
1336 the following 2 sections:-

1337 Section 15D (a) Whoever commits an assault and battery upon another by discharging a  
1338 firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun as defined in  
1339 section 121 of chapter 140 shall be punished by imprisonment in the state prison for not more  
1340 than 20 years or by imprisonment in the house of correction for not more than 2½ years or by a  
1341 fine of not more than \$10,000, or by both such fine and imprisonment.

1342 Section 15E. (a) Whoever attempts to commit an assault and battery upon another by  
1343 means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or  
1344 machine gun as defined in section 121 of chapter 140 shall be punished by imprisonment in the  
1345 state prison for not more than 15 years or by imprisonment in the house of correction for not  
1346 more than 2½ years or by a fine of not more than \$10,000, or by both such fine and  
1347 imprisonment.

1348 SECTION 81. Section 18 of said chapter 265, as appearing in the 2012 Official Edition,  
1349 is hereby amended by striking out, in line 24, the word “seventeen” and inserting in place thereof  
1350 the following figure:- 18.

1351 SECTION 82. Section 18B of said chapter 265, as so appearing, is hereby amended by  
1352 striking out, in line 40, the figure “17” and inserting in place thereof the following figure:- 18.

1353 SECTION 83. Section 19 of said chapter 265, as so appearing, is hereby amended by  
1354 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-  
1355 18.

1356 SECTION 84. Section 21A of said chapter 265, as so appearing, is hereby amended by  
1357 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
1358 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
1359 machine gun or assault weapon, shall be punished by imprisonment in the state prison for not  
1360 less than 7 years.

1361 SECTION 85. Section 43 of said chapter 265, as so appearing, is hereby amended by  
1362 striking out, in lines 53 and 85, the word “seventeen” and inserting in place thereof, in each  
1363 instance, the following figure:- 18.

1364 SECTION 86. Said chapter 265 is hereby further amended by adding the following  
1365 section:- Section 58. Any person who is in possession of a deceptive weapon device as defined  
1366 in section 121 of chapter 140 during the commission of a violent crime as defined in said section

1367 121 of said chapter 140 shall be deemed to be armed and shall be punishable by penalties set  
1368 forth in this chapter.

1369 SECTION 87. Section 17 of chapter 266 of the General Laws, as appearing in the 2012  
1370 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
1371 thereof the following sentence:- Whoever commits any offense described in this section while  
1372 armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by  
1373 imprisonment in the state prison for not less than 7 years or in the house of correction for not less  
1374 than 2 years nor more than 2½ years.

1375 SECTION 88. Section 18 of said chapter 266, as so appearing, is hereby amended by  
1376 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
1377 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
1378 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less  
1379 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more  
1380 than 2½ years.

1381 SECTION 89. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby  
1382 amended by striking out, in lines 50 and 52, the word “seventeen” and inserting in place thereof,  
1383 in each instance, the following figure:- 18.

1384 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further  
1385 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1386 (j) For the purposes of this paragraph, “firearm” shall mean any pistol, revolver, rifle or  
1387 smoothbore arm from which a shot, bullet or pellet can be discharged.

1388 Whoever, not being a law enforcement officer and notwithstanding any license obtained  
1389 by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or  
1390 other dangerous weapon in any building or on the grounds of any elementary or secondary  
1391 school, college or university without the written authorization of the board or officer in charge of  
1392 the elementary or secondary school, college or university shall be punished by a fine of not more  
1393 than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer  
1394 may arrest without a warrant and detain a person found carrying a firearm in violation of this  
1395 paragraph.

1396 Any officer in charge of an elementary or secondary school, college or university or any  
1397 faculty member or administrative officer of an elementary or secondary school, college or  
1398 university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and  
1399 punished by a fine of not more than \$500.

1400 SECTION 91. Said section 10 of said chapter 269, as so appearing, is hereby further  
1401 amended by striking out, in line 188, the words “Class A or Class B”.

1402 SECTION 92. Said section 10 of said chapter 269, as so appearing, is hereby further  
1403 amended by striking out, in line 212, the figure "17" and inserting in place thereof the following  
1404 figure:- 18.

1405 SECTION 93. Section 10E of chapter 269 of the General Laws, as appearing in the 2012  
1406 Official Edition, is hereby amended by inserting a new section in its entirety in place thereof the  
1407 following:

1408 Section 10E. (1) One or more, but less than three, be punished by a term of imprisonment  
1409 of not more than ten years in the state prison or by a fine of not more than fifty thousand dollars  
1410 may be imposed or by both such imprisonment and fine.

1411 (2) Three or more, but less than ten, be punished by a term of imprisonment of not more  
1412 than twenty years in the state prison. No sentence imposed under the provisions of this paragraph  
1413 shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not  
1414 more than one hundred thousand dollars may be imposed but not in lieu of the mandatory  
1415 minimum term of imprisonment, as established herein.

1416 (3) Ten or more, be punished by a term of imprisonment not less than ten years up to life  
1417 imprisonment in the state prison. No sentence imposed under the provisions of this paragraph  
1418 shall be for less than a mandatory minimum term of imprisonment of ten years and a fine of not  
1419 more than one hundred and fifty thousand dollars may be imposed but not in lieu of the  
1420 mandatory minimum term of imprisonment, as established herein.

1421 A prosecution commenced under this section shall not be placed on file or continued  
1422 without a finding, and the sentence imposed upon a person convicted of violating any provision  
1423 of said section shall not be reduced to less than the mandatory minimum term of imprisonment as  
1424 established in said section, nor shall any sentence of imprisonment imposed upon any person be  
1425 suspended or reduced until such person shall have served said mandatory minimum term of  
1426 imprisonment.

1427 A person convicted of violating any provision of this section shall not, until he shall have  
1428 served the mandatory minimum term of imprisonment established herein, be eligible for  
1429 probation, parole, furlough, work release, or receive any deduction from his sentence for good  
1430 conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one  
1431 hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that  
1432 the commissioner of corrections may, on the recommendation of the warden, superintendent, or  
1433 other person in charge of the correctional institution, grant to said offender a temporary release in  
1434 the custody of an officer of such institution for the following purposes: to attend the funeral of a  
1435 relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services  
1436 unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and  
1437 seventy-six shall not apply to any person, seventeen years of age or over, charged with a  
1438 violation of said sections, or to any child between the age of fourteen and seventeen, so charged,

1439 if the court is of the opinion that the interests of the public require that he shall be tried for such  
1440 offense instead of being dealt with as a child.

1441 SECTION 94. Section 10E of said chapter 269, as so appearing, is hereby amended by  
1442 striking out, in lines 46 and 48, the word “seventeen” and inserting in place thereof, in each  
1443 instance, the following figure:- 18.

1444 SECTION 95. Section 10F of said chapter 269, as so appearing, is hereby amended by  
1445 striking out, in line 26, the figure “17” and inserting in place thereof the following figure:- 18.

1446 SECTION 96. Section 10G of said chapter 269, as so appearing, is hereby amended by  
1447 striking out, in line 33, the figure “17” and inserting in place thereof the following figure:- 18

1448 SECTION 97. Said chapter 269 is hereby further amended by inserting after section 10H  
1449 the following 3 sections:-

1450 Section 10I. (a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off  
1451 shotgun into the commonwealth to use the weapon for the commission of criminal activity shall  
1452 be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years.

1453 (b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into  
1454 the commonwealth to unlawfully distribute, sell or transfer possession of the weapon to a  
1455 prohibited person, as defined in section 131 of chapter 140, shall be punished by imprisonment  
1456 in the state prison for not less than 10 years nor more than 20 years.

1457 (c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into  
1458 the commonwealth to unlawfully distribute, sell or transfer the weapon to a prohibited person, as  
1459 defined in section 131 of chapter 140, and if the weapon is subsequently used to cause the death  
1460 of another, shall be punished by imprisonment in the state prison for not less than 20 years.

1461 Section 10J. (a) Whoever in the nighttime or the daytime breaks and enters a building,  
1462 ship, vessel or vehicle to steal a firearm shall be punished by imprisonment in the state prison for  
1463 not more than 5 years or by imprisonment in the house of correction for not more than 2½ years  
1464 or by a fine of not more than \$10,000, or by both such fine and imprisonment.

1465 (b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or  
1466 vehicle to steal a firearm to distribute to a prohibited person, as defined in section 131 of chapter  
1467 140 shall be punished by imprisonment in the state prison for not more than 10 years or by  
1468 imprisonment in the house of correction for not more than 2½ years or by a fine of not more than  
1469 \$10,000, or by both such fine and imprisonment.

1470 (c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or  
1471 vehicle to steal a firearm and in the process causes injury of another shall be punished by  
1472 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of

1473 correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine  
1474 and imprisonment.

1475 Any motor vehicle lawfully owned or operated by any person convicted pursuant to this  
1476 section shall be forfeited pursuant to section 24W of chapter 90. All proceeds from the auction of  
1477 the vehicle shall be deposited into the Public Safety Training Fund established under section  
1478 2JJJJ of chapter 29.

1479 Section 10K. (a) Whoever in the nighttime or the daytime breaks and enters any building  
1480 in which a firearm retailer, wholesaler or manufacturer conducts business shall be punished by  
1481 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of  
1482 correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine  
1483 and imprisonment.

1484 (b) Whoever in the nighttime or the daytime breaks and enters any building in which a  
1485 firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully  
1486 obtain a firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment  
1487 in the state prison for not more than 10 years or by imprisonment in the house of correction for  
1488 not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and  
1489 imprisonment.

1490 (c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by  
1491 means of breaking and entering, in the nighttime or the daytime, any building in which a firearm  
1492 retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said  
1493 firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the  
1494 state prison for not more than 20 years or by imprisonment in the house of correction for not  
1495 more than 2½ years or by a fine of not more than \$10,000, or by both such fine and  
1496 imprisonment.

1497 SECTION 105. Said section 58A of chapter 276 is hereby further amended by  
1498 inserting after the words “chapter 90,” in line 16, the following words:- or convicted of a violent  
1499 crime as defined in said section 121 of said chapter 140 for which a term of imprisonment was  
1500 served and arrested and charged with a second or subsequent offense of felony possession of a  
1501 weapon or machine gun as defined in section 121 of chapter 140,.

1502 SECTION 106. (a) For purposes of this section, a person has been determined by a  
1503 court, board, commission or other lawful authority to pose a serious risk of harm if the person  
1504 was:

1505 (i) involuntarily committed to a psychiatric hospital pursuant to sections 7, 8 or 18A or  
1506 subsection (e) of section 12 or subsection (b) of section 15 of chapter 123 of the General Laws;

1507 (ii) involuntarily committed for alcohol or substance abuse treatment under section 35 of  
1508 chapter 123 of the General Laws;

1509 (iii) committed as a sexually dangerous person pursuant to chapter 123A of the General  
1510 Laws;

1511 (iv) adjudicated incompetent to stand trial or not guilty by reason of mental illness under  
1512 sections 15 or 16 of chapter 123 of the General Laws;

1513 (v) found not guilty by reason of lack of mental responsibility pursuant to Article 50a of  
1514 the Uniform Code of Military Justice, 10 U.S.C. § 850a; or

1515 (vi) found not guilty by reason of lack of mental capacity or mental responsibility  
1516 pursuant to Article 76b of said Uniform Code of Military Justice, 10 U.S.C. § 876b.

1517 (b) Notwithstanding section 36 of chapter 123 of the General Laws and, to provide a  
1518 licensing authority as defined in section 121 of chapter 140 of the General Laws with  
1519 information required or permitted to be considered pursuant to state law to conduct background  
1520 checks for firearms sales or licensing and to provide the attorney general of the United States  
1521 with information required or permitted under federal law to be included in the National Instant  
1522 Criminal Background Check System maintained to conduct background checks for firearms sales  
1523 or licensing, the department of mental health shall, within 180 days of the effective date of this  
1524 section, transmit to the department of criminal justice information services sufficient information  
1525 to identify all persons known to the department to have been, within 20 years preceding the  
1526 effective date of this section: (i) committed to psychiatric hospital, including commitments for  
1527 mental illness pursuant to section 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of  
1528 section 15 or subsection (b) or (c) of section 16 of said chapter 123 of the General Laws or a  
1529 commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123 of the  
1530 General Laws; or (ii) determined by a court, board, commission or other lawful authority to pose  
1531 a serious risk of harm.

1532 The department shall provide no more information than is necessary for the purpose  
1533 stated above and the information shall not be considered a public record under clause Twenty-  
1534 sixth of section 7 of chapter 4 of the General Laws.

1535 SECTION 107. Notwithstanding any general or special law to the contrary, a  
1536 person licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180  
1537 days of the effective date of this section, obtain from the department of criminal justice  
1538 information services all available criminal offender record information, as defined in section 167  
1539 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of  
1540 section 172 of said chapter 6, for current employees to determine the continued suitability of  
1541 employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

1542 SECTION 108. There is hereby established a task force to consist of: the secretary  
1543 of the executive office of public safety and security or a designee; the commissioner of public  
1544 health or a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person  
1545 selected by the Massachusetts Chiefs of Police Association; 1 person selected by the committee  
1546 for public counsel services; 1 person selected by the National Alliance on Mental Illness of  
1547 Massachusetts, Inc.; and 1 person appointed by the Massachusetts District Attorneys  
1548 Association.

1549 The task force shall study and report on suitable and feasible options for the  
1550 safekeeping of a distressed person's firearms in a location away from the household, by his or  
1551 her relations or community nongovernmental organizations including, but not limited to, legal  
1552 protections for: (1) private citizens acting as good samaritans, who are of direct relation to the  
1553 distressed person by family or affection; (2) turn-in and temporary storage of a distressed  
1554 person's firearm by a licensed gun store or gun club; (3) and turn-in and temporary storage of a  
1555 distressed person's firearm by any other type of organization or facility under registration as a  
1556 firearms safe harbor.

1557 The task force shall be provided with quarters in the state house or elsewhere and may: (i)  
1558 expend for expenses and for expert, legal, clerical and other assistance such sums as may be  
1559 appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or  
1560 executive meetings of the task force shall be open to the public unless a majority of the members  
1561 of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk  
1562 of either branch, and the notice or a copy thereof shall be publicly posted in the office of such  
1563 clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

1564 The task force shall report the results of its study, together with drafts of legislation, if  
1565 any, necessary to carry its recommendations into effect, by filing the report with the clerks of the  
1566 house of representatives and senate on or before July 31, 2015. The clerks of the house of  
1567 representatives and senate shall forward the report to the chairs of the joint committee on public  
1568 safety and the chairs of the joint committee on mental health and substance abuse.

1569 SECTION 109. Notwithstanding any general or special law to the contrary, neither  
1570 a licensing authority as defined in section 121 of chapter 140 of the General Laws nor the  
1571 colonel of state police shall issue, renew or accept application for a Class B license to carry  
1572 pursuant to sections 131 or 131F of said chapter 140 as of the effective date of this section;  
1573 provided, however, that any Class B license issued pursuant to said sections 131 or 131F of said  
1574 chapter 140 prior to the effective date of this section shall remain in effect, subject to any  
1575 restrictions or conditions set forth in any general or special law until the date on which the Class  
1576 B license is set to expire or July 31, 2020, whichever occurs first; and provided further, that any  
1577 application for renewal of a Class B license filed after the effective date of this section shall not  
1578 extend the license beyond the stated expiration date pursuant to said section 131 of said chapter  
1579 140 and the Class B license shall expire on the anniversary of the licensee's date of birth

1580 occurring not less than 5 years but not more than 6 years from the date of issue or January 1,  
1581 2021, whichever occurs first.

1582 SECTION 110. The department of public health, in consultation with the center for  
1583 health information and analysis, shall develop an implementation proposal and spending plan to  
1584 create a data warehouse, linking relevant private and public data systems in order to receive near  
1585 real-time data feeds from vital records, hospitals and other clinical partners. In the proposal, all  
1586 efforts shall be made by the department and the center to limit duplicative reporting requirements  
1587 by vital records, hospitals and other clinical partners. The proposal shall: (i) streamline the  
1588 operation of applicable institutional review boards; (ii) engage academic partners to help support  
1589 surveillance and evaluation activities; (iii) amend the department's reporting functions in order to  
1590 allow for expedited reporting based on partially complete but statistically reliable data; and (iv)  
1591 set forth the timeline for implementing the data warehouse. The warehouse shall be subject to the  
1592 federal Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2 and all other  
1593 applicable state and federal laws governing the confidentiality of personal data.

1594 The department, in consultation with the center, shall submit the implementation proposal  
1595 and spending plan, as well as any additional legislative language necessary to implement the data  
1596 warehouse project, not later than December 1, 2014, to the house and senate committees on ways  
1597 and means, the joint committee on public safety and homeland security, the joint committee on  
1598 health care financing and the joint committee on public health.

1599 SECTION 111. The board of registration of psychologists shall amend its  
1600 regulations to include schools as health service training program sites to accrue supervised health  
1601 service training hours applicable to licensure as a doctoral level psychologist with certification as  
1602 a health services provider. Eligible training at a school site shall occur as part of a formal  
1603 training affiliation between a school and an organized integrated training program; provided,  
1604 however, that the organized integrated training program may provide a licensed psychologist to  
1605 supervise doctoral trainees in clinical psychology if a school does not have a licensed  
1606 psychologist as a member of the school staff.

1607 SECTION 112. Notwithstanding any general or special law to the contrary, the  
1608 chief of police in each city or town shall make reasonable efforts to enter into a memorandum of  
1609 understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United  
1610 States Department of Justice to analyze firearms trace data.

1611 SECTION 113. Section 7 shall take effect on June 30, 2016.

1612 SECTION 114. The safe and supportive schools commission established under  
1613 subsection (g) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not  
1614 more than 90 days after the effective date of this act.

1615 SECTION 115. Notwithstanding any general or special law to the contrary, the  
1616 initial safe and supportive schools framework, as required under subsection (b) of section 1P of  
1617 chapter 69 of the General Laws shall be consistent with the framework recommended by the  
1618 behavioral health and public schools task force created under section 19 of chapter 321 of the  
1619 acts of 2008

1620 SECTION 116. By December 3, 2014, the department of elementary and  
1621 secondary education, subject to appropriation, shall adopt rules and regulations pursuant to  
1622 section 95 of chapter 71 of the General Laws requiring that all public school districts shall  
1623 provide suicide awareness and prevention training. School personnel hired after the effective  
1624 date of this section but before December 3, 2014 shall obtain the training by March 4, 2015.

1625 SECTION 117. Sections 1, 3, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 26, 28, 31, 32,  
1626 37, 39, 40, 41, 43, 44, 45, 46, 49, 51, 52, 54, 57, 58, 59, 60, 64, 65, 67, 73, 74, 76, 77, 79, 80, 84,  
1627 88, 91, 92, 94, 100, 101, and 102 shall take effect on January 1, 2015.

1628 SECTION 118. Sections 29 and 30 shall take effect on March 1, 2015; provided,  
1629 however, that the chief information officer of the commonwealth, in conjunction with the  
1630 secretary of public safety and security, shall procure any necessary information technology  
1631 services to implement the real time web portal pursuant to said section 30 by October 1, 2014.

1632 SECTION 119. Section 12 shall take effect on April 1, 2015.

1633 SECTION 120. The first report under clause (10) of section 18  $\frac{3}{4}$  of chapter 6A of  
1634 the General Laws shall be due not later than March 1, 2016.

1635 SECTION 121. Section 34 is hereby repealed.

1636 SECTION 122. Sections 24, 25, 34, 42, 47, 48, 50, 53, 55, 61, 62, 63, 66, 71, and  
1637 75 shall take effect on January 1, 2021.