

HOUSE No. 2039

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Cullinane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the reporting of information relating to certain firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>

HOUSE No. 2039

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 2039) of Daniel R. Cullinane and others relative to the reporting of information relating to certain firearms. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act concerning the reporting of information relating to certain firearms.

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

1 SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section
2 131Q, as appearing in the 2016 Official Edition, and inserting in place thereof the following
3 sections:

4 Section 131Q. Tracing by licensing authority of firearm, rifle or shotgun, large capacity
5 weapon, machine gun or assault weapon

6 (a) Whenever a law enforcement officer seizes or recovers a firearm, rifle or shotgun,
7 large capacity weapon, machine gun or assault weapon that was unlawfully possessed, used for
8 an unlawful purpose, recovered from a crime scene, associated with the commission of a crime,
9 or is otherwise acquired as an abandoned or discarded weapon, the licensing authority for the
10 city or town in which the weapon was seized or recovered shall:

11 (1) trace the weapon by reporting the following statistical data to the commonwealth
12 fusion center or the criminal firearms and trafficking unit within the division of investigation and

13 intelligence in the department of state police established pursuant to section 6 of chapter 22C,
14 when the data is readily available as determined by the chief of police, including, but not limited
15 to:

16 (i) the make, model, serial number and caliber of the weapon used;

17 (ii) the type of crime committed;

18 (iii) whether an arrest or conviction was made;

19 (iv) whether fingerprint evidence was found on the weapon;

20 (v) whether ballistic evidence was retrieved from the crime scene;

21 (vi) whether the criminal use of the weapon was related to known gang activity;

22 (vii) whether the weapon was obtained illegally;

23 (viii) whether the weapon was lost or stolen; and

24 (ix) whether the person using the weapon was otherwise a prohibited person.

25 (2) conduct the trace pursuant to section (a) (1) as soon as may be practicable, but in no
26 case more than 24 hours after the law enforcement officer has taken possession of the weapon.

27 (b) Reported information pursuant to section (a) (1) shall be made available to law
28 enforcement agencies.

29 (c) The colonel of state police shall produce an annual report by December 31 of each
30 year regarding crimes committed in the commonwealth using firearms, rifles or shotguns, large
31 capacity weapons, machine guns or assault weapons, including all of the categories of data

32 contained in this section, and shall submit a copy of the report to the joint committee on public
33 safety and homeland security, the clerks of the house of representatives and the senate and, upon
34 request, to criminology, public policy and public health researchers and other law enforcement
35 agencies.

36 SECTION 2. Chapter 140 of the General Laws is hereby amended by inserting after
37 section 131Q the following two new sections:

38 Section 131R. Recovered Firearms and Ballistics Information Submission to National
39 Integrated Ballistics Identification Network

40 Whenever a law enforcement officer seizes or recovers a firearm, rifle or shotgun, large
41 capacity weapon, machine gun or assault weapon that was unlawfully possessed, used for an
42 unlawful purpose, recovered from a crime scene, associated with the commission of a crime, or
43 is otherwise acquired as an abandoned or discarded weapon, the law enforcement agency that the
44 officer is associated with shall arrange for every such firearm that, in accordance with protocols
45 promulgated by the Secretary of the Executive Office of Public Safety and Security is
46 determined to merit and be suitable for National Integrated Ballistics Identification Network data
47 entry, to be test-fired as soon as may be practicable and the results of that test-firing be forthwith
48 submitted to the National Integrated Ballistics Identification Network to determine whether the
49 firearm is associated or related to any criminal activity.

50 Whenever a law enforcement officer recovers any spent shell casing at a crime scene or
51 recovers any spent shell casing for which they have reason to believe is related to or associated
52 with the commission of a crime or the unlawful discharge of a firearm, the agency shall, as soon

53 as may be practicable, submit the ballistics information to the National Integrated Ballistics
54 Identification Network.

55 SECTION 3.

56 Section 104 of chapter 284 of the acts of 201 is hereby amended by striking out the words
57 “make reasonable efforts to” and inserting in place thereof the following: “opt-in to the eTrace
58 System “Collective Data Sharing” program with the Bureau of Alcohol, Tobacco, Firearms and
59 Explosives in the United States Department of Justice.”