SENATE DOCKET, NO. 1819 FILED ON: 1/16/2015

# SENATE . . . . . No. 1247

## The Commonwealth of Massachusetts

PRESENTED BY:

***Cynthia S. Creem***

*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 relative to firearms and firearms violence.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Cynthia S. Creem* | *First Middlesex and Norfolk* |

SENATE DOCKET, NO. 1819 FILED ON: 1/16/2015

# SENATE . . . . . No. 1247

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1247) of Cynthia S. Creem for legislation relative to firearms and firearms violence. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1126* OF 2013-2014.]

## The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court**
**(2015-2016)**

An Act relative to firearms and firearms violence.

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

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 2EEEE, the following new section:-

2FFFF. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Firearms Violence Prevention Trust Fund. Amounts credited to such fund shall be available, without further appropriation, to the Secretary of the Executive Office of Public Safety and Homeland Security who shall utilize such funds to establish an annual municipal grant program to support municipal violence prevention programs. Provided that priority shall be given to programs that support the provision of school resource officers, programs to address youth exposure to actual and depicted violence, and training of police in handling incidents involving persons suffering from mental illness.

11 SECTION 2. Section 2 of Chapter 64H of the General Laws, as appearing in the 2012
12 Official Edition, is hereby amended by adding the following new paragraph:-

13 In addition to all other rates of tax provided herein, an additional surcharge of 4.75
14 percent shall be imposed on sales at retail of all ammunition, rifles, shotguns, firearms or parts
15 thereof, as those terms are defined in section 121 of chapter 140, in the Commonwealth. All
16 revenues received from such surcharge, together with any penalties, forfeitures, interest, costs of
17 suits and fines collected in connection therewith, less all amounts refunded or abated in
18 connection therewith, all as determined by the commissioner of revenue according to his best
19 information and belief, shall be credited to the Firearms Violence Prevention Trust Fund
20 established pursuant to section 2FFFF of chapter 29 of the General Laws.

21 SECTION 3. Section 2 of Chapter 64I of the General Laws, as so appearing, is hereby
22 amended by adding the following new paragraph:-

23 In addition to all other rates of tax provided herein, an additional surcharge of 4.75
24 percent shall be imposed on the storage, use or other consumption of ammunition, rifles,
25 shotguns, firearms or parts thereof, as those terms are defined in section 121 of chapter 140,
26 purchased from any vendor or manufactured, fabricated or assembled from materials acquired
27 either within or outside the commonwealth for storage, use or consumption within the
28 commonwealth. All revenues received from this surcharge, together with any penalties,
29 forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts
30 refunded or abated in connection therewith, all as determined by the commissioner of revenue
31 according to his best information and belief, shall be credited to the Firearms Violence
32 Prevention Trust Fund established pursuant to section 2FFFF of chapter 29 of the General Laws.

33 SECTION 4. Chapter 140 of the general laws, as so appearing is hereby amended by
34 inserting after section 123, the following new section:

35 Section 123A. Notwithstanding any other provision of this chapter, law or regulation to
36 the contrary, it shall be unlawful to sell, purchase, rent, lease or possess a .50 BMG rifle or .50
37 BMG cartridge. Any person violating this section shall be punished by a fine of not less than
38 $1,000 nor more than $10,000, or by imprisonment for not less than 1 year nor more than 10
39 years, or by both such fine and imprisonment. For purposes of this section the following words
40 shall have the following meanings:-

41 ".50 BMG cartridge" means a cartridge that is designed and intended to be fired from a
42 center fire rifle and that meets all of the following criteria:

43 (a) It has an overall length of 5.54 inches from the base to the tip of the bullet.

44 (b) The bullet diameter for the cartridge is from .510 to, and including, .511 inch.

45 (c) The case base diameter for the cartridge is from .800 inch to, and including, .804
46 inch.

47 (d) The cartridge case length is 3.91 inches.

48 ".50 BMG rifle" means a center fire rifle that can fire a .50 BMG cartridge and is not
49 already an assault weapon or a machinegun. It shall not include any antique firearm, nor any
50 curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.

51 The provisions of this section shall not apply to (i) any officer, agent or employee of the
52 commonwealth or any state or the United States; (ii) any member of the military or other service
53 of any state or of the United States; (iii) any duly authorized law enforcement officer, agent or

54 employee of any municipality of the commonwealth; provided, however, that any such person
55 described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or
56 possess the weapon so carried or possessed and is acting within the scope of his duties.

57 SECTION 5. Section 129B of said chapter 140, as appearing in the 2012 official edition
58 and as amended by chapter 284 of the acts of 2014, shall be further amended by adding in line
59 249, after the words "shall not apply" the following:

60 "provided however, that any person in possession of a non-large capacity rifle or shotgun
61 whose firearm identification card issued under this section is invalid for the sole reason that it
62 has expired not including licenses that remain valid under paragraph (9) because the licensee
63 applied for renewal before the license expired, but who shall not be disqualified from renewal
64 upon application therefor pursuant to this section, shall if such license has been expired for a
65 period of time exceeding 90 days be guilty of a crime and subject to the issuance of a warrant for
66 his arrest as well as a warrant issued pursuant to chapter 276, and upon conviction thereof shall
67 be punished by a fine of not less than $1,000 nor more than $5,000 and the provisions of said
68 section 10 of said chapter 269 shall not apply;"

69 SECTION 6. Section 131 of said chapter 140, as amended by section 47 of chapter 284
70 of the acts of 2014, is hereby further amended in paragraph (b) by adding after the words "or by
71 such other person" the following words:- "over the age of 16".

72 SECTION 7. Section 131 of Chapter 140 of the General Laws, as so appearing, is hereby
73 amended in paragraph (m) by adding after the words "shall not apply" in lines 321 and 322, the
74 following:- provided however, that any person in possession of a firearm, rifle or shotgun
75 whose license issued under this section is invalid for the sole reason that it has expired not

76 including licenses that remain valid under paragraph (i) because the licensee applied for renewal
77 before the license expired, but who shall not be disqualified from renewal upon application
78 therefor pursuant to this section, shall if such license has been expired for a period of time
79 exceeding 90 days be guilty of a crime and subject to the issuance of a warrant for his arrest as
80 well as a warrant issued pursuant to chapter 276, and upon conviction thereof shall be punished
81 by a fine of not less than $1,000 nor more than $5,000 and the provisions of said section 10 of
82 said chapter 269 shall not apply;"