

# SENATE . . . . . No. 933

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act Regarding the Prevention of Illegal Trafficking and Gun Violence Among Youth in the Commonwealth..

*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. The executive department of public safety shall adopt regulations for the  
2 criminal history systems board within said department to establish an electronic data base  
3 consistent with the provisions of section 128 A½ of chapter 140 of the General Laws.

4           SECTION 2. The secretary of public safety shall study the development of an Interstate  
5 Commission to establish an interstate compact to promote uniform procedures to combat illegal  
6 gun trafficking between states. The report of such study and recommended legislation for the  
7 establishment thereof shall be filed with the joint committee on public safety not later than  
8 December 31, 2009.

9           SECTION 3. The secretary of public safety shall require that persons issued licenses  
10 under section 122 or section 122B of chapter 140 of the General Laws be required to install and  
11 maintain security systems to keep secure firearms and other weapons and ammunition kept in  
12 connection with the operation of such licenses. Said study may include draft regulations for

13 minimum security standards. The report of such study and recommended regulations shall be  
14 filed with the joint committee on public safety not later than December 31, 2009.

15 SECTION 4. The secretary of public safety shall organize and implement a public  
16 awareness campaign to educate the public relative to illegal firearms possession, carrying and  
17 trafficking and the requirement to register firearms.

18 SECTION 5. Chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is  
19 hereby amended by inserting after section 172I the following section:-

20 Section 172J. Notwithstanding section 172, or any other general or special law to  
21 the contrary, persons licensed pursuant to sections 122 or 122B of chapter 140 shall obtain all  
22 available criminal offender record information and juvenile data as found in the court activity  
23 record information from the criminal history systems board within the executive office of public  
24 safety of all employees and volunteers prior to employment or volunteer service. Information  
25 obtained under this section shall not be disseminated for any purpose other than to further the  
26 protection of the public.

27 SECTION 6 The first paragraph of section 123 of said chapter 140, as so appearing, is  
28 hereby amended by adding the following clause:-

29 Twenty-two, That no licensee shall employ or accept as a volunteer any person in  
30 connection with the operation of a license issued under section 122 who has been convicted or  
31 adjudicated as youthful offender for the commission of any felony or adjudicated a delinquent  
32 child by reason of the commission of any offense that is a felony if committed by an adult.

SECTION 7. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word “device.”, in line 247, the following words:- No person licensed under section 122 or section 122B shall sell or otherwise transfer to any person more than 15 firearms during any 1 year period, except by devise or trust. Sales or transfers that occur at any time during such year, whether the sales or transfers amount to more than 15 in the course of a single transaction or amount to more than 15 sales or transfers in the aggregate during the course of a year, shall constitute a violation of this section.

SECTION 8. Said section 128A of said chapter 140, as so appearing, is hereby further amended by inserting after the word “director”, in line 28, the following words:- , or the licensing authority.

SECTION 9. Said chapter 140, is hereby further amended by inserting after section 128A the following section:-

Section 128A½. The criminal history systems board within the executive office of public safety, in consultation with the department of state police within the executive office of public safety shall establish and maintain an electronic database of all reports received pursuant to section 128A and section 131Q shall make the information contained therein available to municipal, state and federal law enforcement agencies.

SECTION 10. Section 128B of said chapter 140, as so appearing, is hereby amended by inserting after the word “receives”, in line 8, the following words:- or keeps for any period of time.

SECTION 11. Said section 128B of said chapter 140, as so appearing, is hereby further amended by inserting after the word “board”, in line 12, the following words:- or the licensing authority.

SECTION 12. Said section 128B of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words “Whoever violates any provision of this section” and inserting in place thereof the following words:- Whoever, being unauthorized to make such sale or transfer or whoever sells or makes such transfer to a person unauthorized to receive such a weapon in violation of this section or section 128A shall be punished by imprisonment for not less than 2 ½ years in the house of correction or not more than imprisonment for 5 years in state prison. Whoever fails to make such report with the licensing authority and the criminal history systems board within the executive office of public safety, within 7 days of such sale or transfer,.

SECTION 13. Said chapter 140 is hereby further amended by inserting after section 128B the following section:-

Section 128C. Whoever not being licensed under section 122 and who purchases or otherwise accepts and keeps within the commonwealth for any period of time more than 15 firearms during any 1 year period shall be punished by not more than 5 years in state prison and the licensing authority shall suspend any license or identification card issued under this chapter to such person for a period not to exceed 3 years. This section shall not apply to firearms bequeathed through trust or devise.

SECTION 14. Chapter 140 of the General Laws is hereby amended by inserting after section 129C the following section:-

75           Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or  
76   devise, may sell, transfer or deliver such weapon to a licensed dealer or to another if the  
77   transferee is legally permitted to purchase or take possession of such weapon or, within 180 days  
78   of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant  
79   firearms identification card or license to carry. Whoever violates this section shall be punished  
80   by a fine of not less than \$1,000 nor more than \$10,000.

81           SECTION 15. Said chapter 140 of the General Laws, is hereby further amended by  
82   inserting after 131P the following section:-

83           Section 131Q. Any person: (1) who is licensed under section 122, section 122B or under  
84   section 131 or to whom is issued a firearms identification card or who has received a rifle,  
85   shotgun or firearm by trust or devise; and (2) who fails to report that a rifle, shotgun or firearm  
86   owned, possessed or under such person's control is lost or has been stolen, and such person  
87   knows that the weapon is either lost or stolen, to the licensing authority or the executive director  
88   to the criminal history systems board within the executive office of public safety, shall be  
89   punished by imprisonment in the house of correction for not more than 2 ½ years and a fine of  
90   not less than \$1,000 nor more than \$5,000.

91           SECTION 16. Chapter 265 of the General Laws is hereby amended by inserting  
92   after section 18C the following section:-

93           Section 18D. Whoever, by means of discharging a rifle, shotgun, firearm, large  
94   capacity weapon, machine gun or sawed-off shotgun, assaults another shall be punished by  
95   imprisonment in the state prison for not more than 5 years.

SECTION 17. Subsection (a) of section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “(1) being present in or on his residence or place of business; or”.

SECTION 18. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after the words “ninety-four C”, in line 17, the following words:-, an offense of possession or carrying a firearm, large capacity weapon, machine gun or sawed-off shotgun or any assault or any assault and battery by means of a firearm, large capacity weapon, machine gun or sawed-off shotgun.

SECTION 19. Notwithstanding section 172, or any other general or special law to the contrary, within 6 months of the effective date of this act persons licensed pursuant to sections 122 of chapter 140 shall obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board within the executive office of public safety of all current employees hired before the effective date of this act. Information obtained under this section shall not be disseminated for any purpose other than to further the protection of the public.