SENATE DOCKET, NO. 1870 FILED ON: 1/21/2011

SENATE . . . . . No. 1195

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

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 regarding the prevention of illegal trafficking and gun violence among youth in the Commonwealth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sonia Chang-Diaz	
Linda Dorcena Forry	*12th Suffolk*
Cory Atkins	*14th Middlesex*
Russell E. Holmes	*6th Suffolk*
Ruth B. Balser	*12th Middlesex*
Sal N. DiDomenico	*Middlesex and Suffolk*
Denise Provost	*27th Middlesex*
Benjamin Swan	*11th Hampden*

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By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1195) of Sonia Chang-Diaz, Linda Dorcena Forry, Cory Atkins, Russell E. Holmes and other members of the General Court for legislation relative to the prevention of illegal trafficking and gun violence among youth in the Commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *933* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Chapter 6 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by inserting after section 172K the following section:-

Section 172L. Notwithstanding section 172, or any other general or special law to the contrary, persons licensed pursuant to sections 122 or 122B 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 employees and volunteers prior to employment or volunteer service. Information obtained under this section shall not be disseminated for.

Notwithstanding section 172 of chapter 6 of the General Laws, as so appearing in the 2008 Official Edition, 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 and volunteers hired before the effective date of this act. Information obtained under this section shall not be disseminated.

SECTION 2. Section 122B of chapter 140, as amended by section 87 of chapter 256 the acts of 2010, is hereby further amended by adding the following paragraphs:-

The secretary of public safety and security shall require that persons issued licenses under section 122 or this be required to install and maintain security systems to keep firearms and other weapons and ammunition kept in connection with the operation of such licenses secure. The executive office of public safety and security shall promulgate regulations for minimum requirements for adequate security systems.

SECTION 3. The first paragraph of Section 123 of said chapter 140, as amended by section 88 of chapter 256 of the acts of 2010, is hereby further amended by adding the following sentence:-

Twenty-second, That no licensee shall employ or accept as a volunteer any person, in connection with the operation of a license issued under section 122, who convicted of or adjudicated as youthful offender by means of the commission of any felony or adjudicated a delinquent by means of the commission of any offense that is a felony if committed by an adult.

SECTION 4. The third paragraph of section 123 of said chapter 140, as so appearing in the 2008 Official Edition, is hereby amended by inserting after the word “device.”, in line 252, the following 2 sentences:-

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

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

SECTION 6. The secretary of public safety and security shall study the feasibility of the establishment of an interstate commission for the purpose of developing and promoting the adoption of an interstate compact to encourage the adoption of uniform procedures to combat illegal gun trafficking between states. The report of such study and any recommended legislation or regulations shall be filed with the joint committee on public safety not later than December 31, 2011. Such report shall include but not be limited to, the steps necessary to form such an interstate commission.

SECTION 7. The executive office of public safety and security shall adopt regulations for the department of criminal justice information services within said office to establish an electronic database consistent with the provisions of section 128 A½ of chapter 140 of the General Laws.

SECTION 8. The secretary of the executive office of public safety and security shall organize and implement a public awareness campaign to educate the public relative to illegal firearms possession, carrying and trafficking and the requirement to register firearms.

SECTION 9. The second sentence of section 128A of said chapter 140, as amended in Section 91 of chapter 256 of the acts of 2010, is hereby further amended by inserting after the word "services", the following words:-

or to the licensing authority,

SECTION 10. The first sentence of Section 128B of said chapter 140, as amended by Section 92 of chapter 256 of the acts of 2010, is hereby amended by inserting after the words "licensee or person, and receives", the following text:-

or keeps for any period of time,

SECTION 11. The first sentence of Section 128B said chapter 140, as amended by Section 92 of chapter 256 of the acts of 2010, is hereby amended by inserting after the word " services", the following text:-

or the licensing authority,

SECTION 12. Section 128B of said chapter 140, as amended by Section 92 of the Acts of 2010 is hereby further amended by inserting after the last paragraph, the following paragraph:-

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 5 years in state prison. x

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

Section 128C. Whoever 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. Said Chapter 140.is hereby further amended by inserting after section 129C the following section:-

Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or devise, may sell, transfer or deliver such weapon to a licensed dealer or to another person if the transferee is legally permitted to purchase or take possession of such weapon or, within 180 days of receiving such weapon through trust or devise, the recipient thereof shall

obtain the relevant firearms identification card or license to carry. Whoever violates this section shall be punished by a fine of not less than $1,000 nor more than $10,000.

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

Section 131Q. Any person: (1) who is licensed under section 122, section 122B or under section 131 or to whom is issued a firearms identification card or who has received a rifle, shotgun or firearm by trust or devise; and (2) who fails to report within 24 hours that a rifle, shotgun or firearm owned, possessed or under such person's control is lost or has been stolen, and such person knows that the weapon is either lost or stolen, to the licensing authority or the executive director to the criminal history systems board within the executive office of public safety, shall be punished by imprisonment in the house of correction for not more than 2 ½ years and a fine of not less than $1,000 nor more than $5,000.

SECTION 16. Said Chapter 265, is hereby further amended by inserting after section 18C the following section:-

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

SECTION 17. Section 10 of chapter 269 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by striking out, in line 5, the words "(1) being present in or on his residence or place of business; or".