HOUSE DOCKET, NO. 167 FILED ON: 1/8/2013

HOUSE . . . . . No. 3282

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

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 in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Timothy J. Toomey, Jr.	*26th Middlesex*	*1/8/2013*
Martha M. Walz	*8th Suffolk*	*1/8/2013*
Ruth B. Balser	*12th Middlesex*	*1/8/2013*
Marjorie C. Decker	*25th Middlesex*	*1/31/2013*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/8/2013*
Cory Atkins	*14th Middlesex*	*1/8/2013*

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By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 3282) of Timothy J. Toomey, Jr. and others relative to requiring certain insurance policies for persons with firearm licenses. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *665* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to firearms 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. Section 131 of Chapter 140 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following new paragraph after paragraph three:—

No license to carry shall be issued pursuant to this section unless and until the applicant for the license or for the renewal of an existing license presents to the licensing authority a complete list of every handgun owned by the applicant along with a certificate of insurance verifying that the applicant has a valid insurance policy insuring against any harm or damage that might arise out of the use of each weapon on said list. The applicant shall swear under the penalties of perjury that said list is a complete list of all handguns owned by the applicant. The insurance policy shall be in an amount of at least $250,000 and shall list the specific weapons covered by the policy. The list presented to the licensing authority shall match the list on the insurance policy or the license or renewal shall not issue. In the event that a holder of a license to carry acquires a new handgun after the issuance of the license or the renewal of an existing license, the holder shall register the weapon as required by law and shall forward to the licensing authority a true copy of a certificate of insurance verifying the existence of insurance, as required herein, for said new weapon or weapons within thirty days of acquisition. Such a policy of insurance shall be available to satisfy any judgment for personal injuries or property damages

arising out of the unintentional, accidental or unlawful use of an insured weapon, provided that, in the event of multiple judgments, judgments for medical bills shall have a priority in the order that said judgments are satisfied and, provided further, that medical bills paid for by or owed to the Commonwealth and any municipal or regional governmental entity shall have a super priority and shall be satisfied first out of all such judgments for medical bills. In the event that a judgment issues against the license holder for personal injuries or property damage that cannot be satisfied by the required insurance policy due to the holder's failure to maintain said policy, the license holder may be punished by imprisonment by not more than five years.

SECTION 2: Section 131 ½ of Chapter 140 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-

The board shall consist of nine individuals, one of whom shall be a member of the gun owners action league, one of whom shall be a member of stop handgun violence, one of whom shall be a police chief selected from a list of four selected by the police chiefs association, one of whom shall be a district attorney selected from a list of three selected by the district attorney's association, and one of whom shall be the director of the firearms records bureau within the criminal history systems board.

SECTION 3: Section 129C of Chapter 140 of the General Laws, as so appearing, is hereby amended by striking out in line 16 the words "shall be made" and inserting in that line after the word "gun," the following:- "a seller or owner shall make".

SECTION 4: Section 131 subsection (d) of Chapter 140 of the General Laws, as so appearing, is hereby amended by inserting thereafter the following sentence;-

(viii) has not successfully completed a firearms safety course of at least twenty hours, including a minimum of four hours of practical shooting instruction at a firing range that has been approved by the secretary of public safety or his designee.

SECTION 5: Section 123 of Chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 64 the word "and", and by inserting after the word "thirty-one" the following words:- ";and that no more than one firearm shall be sold to any person in the Commonwealth who has purchased a firearm within the past 30 days."

SECTION 6: Section 131K of Chapter 140 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

"All weapons as defined in section 121 including, but not limited to, firearms, large capacity weapons, rifles and shotguns sold within the commonwealth without a safety device designed to prevent the discharge of such weapon by unauthorized users and approved by the

colonel of the state police including, but no limited to, mechanical locks or devices designed to recognize and authorize, or otherwise allow the firearm to be discharged by its owner or authorized user, by solenoid use-limitation devices, key activated or combination trigger or handle locks, radio frequency tags, automated fingerprint identification systems or voice recognition, provided, that such device is commercially available, shall be defective and the sale of such weapons shall constitute a breach of warranty under section 2-314 of chapter 106 and an unfair and deceptive trade act or practice under section 2 of chapter 93A."

SECTION 7: Chapter 269 of the General Laws, as so appearing, is hereby amended by striking out section 10E and inserting place thereof the following section:-

Section 10E. Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a twelve month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns, assault weapons or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, assault weapons or any combination thereof is:

(1) Three or more, but less than ten, be punished by a term of imprisonment of not more than ten years in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not more than seventy-five thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

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

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

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

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