

**HOUSE . . . . . No. 4121**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Robert A. DeLeo***

*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 the reduction of gun violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert A. DeLeo</i>	<i>19th Suffolk</i>	<i>5/27/2014</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>5/28/2014</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>5/28/2014</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>5/27/2014</i>
<i>Linda Campbell</i>	<i>15th Essex</i>	<i>5/28/2014</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>5/27/2014</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/28/2014</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>5/27/2014</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>5/29/2014</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>5/27/2014</i>
<i>Daniel Hunt</i>	<i>13th Suffolk</i>	<i>5/27/2014</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>5/29/2014</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>5/27/2014</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>5/27/2014</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>5/27/2014</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>5/27/2014</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>5/28/2014</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>5/27/2014</i>

<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>5/28/2014</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>5/28/2014</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>	<i>5/28/2014</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>5/28/2014</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>5/27/2014</i>
<i>Jack McDevitt</i>		<i>5/29/2014</i>
<i>Robert Cerasoli</i>		<i>5/29/2014</i>
<i>David Hemenway</i>		<i>5/29/2014</i>
<i>John Herman</i>		<i>5/29/2014</i>
<i>James Hicks</i>		<i>5/29/2014</i>
<i>Marylou Sudders</i>		<i>5/29/2014</i>
<i>Paul Dakin</i>		<i>5/29/2014</i>

**HOUSE . . . . . No. 4121**

By Mr. DeLeo of Winthrop, a petition (subject to Joint Rule 12) of Robert A. DeLeo and others relative to the reduction of gun violence. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the reduction of gun violence.

*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. Section 167A of chapter 6 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting the following paragraph:-

3 (h) Notwithstanding any general or special law or court order, including an order of  
4 impoundment, to the contrary, the department shall transmit to the attorney general of the United  
5 States any information in its control required or permitted under federal law to be included in the  
6 National Instant Background Check System or any successor system maintained for the purpose  
7 of conducting background checks for firearms sales or licensing. No more information than is  
8 necessary for the purposes stated above shall be transmitted, and such information shall not be  
9 considered a public record under section 7 of chapter 4.

10 SECTION 2. Subsection (a) of section 172 of said chapter 6, as so appearing, is hereby  
11 amended by adding the following clause:-

12 (31) A person licensed pursuant to section 122 of chapter 140 may obtain from the  
13 department data permitted under section 172L.

14 SECTION 3. Said chapter 6 is hereby amended by inserting after section 172K the  
15 following section:-

16 Section 172L. Notwithstanding section 172 or any other general or special law to the  
17 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the  
18 department all available criminal offender record information prior to accepting any person as an  
19 employee to determine the suitability of such employees who may have direct and unmonitored  
20 contact with firearms, shotguns or rifles. Any person obtaining information pursuant to this

21 section shall not disseminate such information for any purpose other than the further protection  
22 of public safety.

23 SECTION 4. Chapter 71 of the General Laws is hereby amended by inserting after  
24 section 37O the following 3 sections:-

25 Section 37P. (a) As used in this section the following words shall, unless the context  
26 clearly requires otherwise, have the following meanings:-

27 “Chief of police”, the chief of police or the board or officer having control of the police  
28 in a city or town.

29 “School resource officer”, a duly sworn municipal police officer with all necessary  
30 training, up-to-date certificates and a license to carry a firearm charged with providing law  
31 enforcement and security services to elementary and secondary public schools.

32 (b) The school department of a city or town, a regional school district or a county  
33 agricultural school shall, subject to appropriation, employ at least 1 school resource officer to  
34 serve the city, town, regional school district or county agricultural school. The school resource  
35 officer shall be appointed jointly by the superintendent and the chief of police, in the case of  
36 school department of a city or town, or by the superintendent and each chief of police in any city  
37 or town served by a regional school district or county agriculture school.

38 In appointing school resource officers, superintendents and chiefs of police shall consider  
39 candidates that they believe would strive to foster an optimal learning environment and  
40 educational community. The appointment shall not be based solely on seniority. The  
41 performance of school resource officers shall be reviewed annually by the superintendent and the  
42 chief of police.

43 (c) Upon written application by a school department of a city or town, a regional school  
44 district or a county agricultural school, the secretary of elementary and secondary education may  
45 waive the requirements of this section if the secretary believes a school resource office would not  
46 assist that particular city or town, a regional school district or a county agricultural school to  
47 ensure safe schools.

48 (d) The department of elementary and secondary education shall promulgate any rules or  
49 regulations necessary to carry out this section.

50 Section 37Q. (a) As used in this section the following words shall, unless the context  
51 clearly requires otherwise, have the following meanings:-

52 “Approved private day or residential school”, a school that accepts, through agreement  
53 with a school committee, a child requiring special education pursuant to section 10 of chapter  
54 71B.

55 “Charter school”, commonwealth charter schools and Horace Mann charter schools  
56 established pursuant to section 89 of chapter 71.

57 “Collaborative school”, a school operated by an educational collaborative established  
58 pursuant to section 4E of chapter 40.

59 “Plan”, a mental health support plan established pursuant to subsection (b).

60 “School district”, the school department of a city or town, a regional school district or a  
61 county agricultural school.

62 (b) Each school district, charter school, approved private day or residential school and  
63 collaborative school shall develop and adhere to a plan to address the general mental health  
64 needs of its students, including their families, teachers and school administrators. Each plan shall  
65 also address the potential need for emergency and acute treatment for students, including their  
66 families, teachers and school administrators as a result of a tragedy or crisis within the district or  
67 school. Before September 1 of each year, each school district, charter school, approved private  
68 day or residential school and collaborative school shall review and update its plan to achieve best  
69 practices.

70 (c) The department of elementary and secondary education shall promulgate any rules or  
71 regulations necessary to carry out this section.

72 Section 37R. As used in this section the following words shall, unless the context clearly  
73 requires otherwise, have the following meanings:-

74 “School”, any school administered by a school department of a city or town or regional  
75 school district, any county agricultural school, any commonwealth charter school or Horace  
76 Mann charter school established pursuant to section 89 of chapter 71 or any educational  
77 collaborative established pursuant to section 4E of chapter 40.

78 “Two-way communication device”, a device capable of transmitting, conveying, or  
79 routing real-time, two-way voice communications through radio frequency.

80 Every school shall, subject to appropriation, possess and have access to a two-way  
81 communication device to be used solely for communicating with police and fire departments of  
82 the city or town where the school lies during an emergency situation.

83 SECTION 5. Chapter 71 of the General Laws is hereby amended by adding the following  
84 section:-

85 Section 95. (1) The department shall adopt rules to require that all public school districts  
86 provide at least 2 hours of suicide awareness and prevention training every 3 years to all school  
87 personnel. Any new hire shall obtain the training within 90 days of being hired. The training

88 shall be provided within the framework of existing in-service training programs offered by the  
89 department or as part of required professional development activities.

90 (2) The department shall, in consultation with the department of public health and suicide  
91 prevention experts, develop a list of approved training materials to fulfill the requirements of this  
92 section. Approved materials shall include training on how to identify appropriate mental health  
93 services both within the school and also within the larger community, and when and how to refer  
94 students and their families to those services.

95 (3) No person shall have a cause of action for any loss or damage caused by any act or  
96 omission resulting from the implementation of the provisions of this section or resulting from  
97 any training, or lack thereof, required by this section.

98 (4) The training, or lack thereof, required by the provisions of this section shall not be  
99 construed to impose any specific duty of care.

100 SECTION 6. Chapter 111 of the General Laws, as appearing in the 2012 Official Edition,  
101 is hereby amended by adding the following 2 sections:

102 Section 230. The department shall direct the division on violence and injury prevention to  
103 develop a program of instruction on harm reduction, which shall be included in the curriculum of  
104 hunter education courses as provided in section 14 of chapter 131, and in the curriculum of every  
105 basic firearms safety course as provided in section 131P of chapter 140.

106 The purpose of the program shall be to promote suicide prevention through safe practices  
107 by firearms owners. The program shall include, but shall not be limited to, information on the  
108 following: (i) the prevalence of firearms suicide as compared to other forms of firearms violence,  
109 including demographic trends; (ii) the risks of injury and suicide that may be associated with  
110 household firearms, to include the rate of survival for suicide attempts by firearm as compared to  
111 other means of attempted suicide; (iii) best practices for identifying and reducing the risk of  
112 suicide involving household firearms; (iv) available resources to learn more about safe practices  
113 and suicide prevention; and (v) additional information determined by the commissioner to be  
114 relevant to the purpose of the program.

115 The department shall further direct the division to develop a notice providing information  
116 on suicide prevention, which shall be posted and distributed in accordance with clause the  
117 fourteenth of section 123 of chapter 140. Such notice shall include, but not be limited to the  
118 following: information on signs and symptoms of depression, the state and federal suicide  
119 prevention hotlines and resources for an individual at risk of suicide.

120 Section 231. The department of public health shall, subject to appropriation, collect,  
121 record and analyze data on firearm related suicides in the commonwealth. Data collected for  
122 each incident shall include, to the extent possible and with respect to all applicable privacy

123 protection laws, the following: (1) the source of purchase of the firearm; (2) the length of time  
124 between purchase of the firearm and the death of the decedent; (3) the relationship of the owner  
125 of the firearm to the decedent; (4) whether the firearm was legally obtained and owned pursuant  
126 to the laws of the commonwealth; (5) any record of past suicide attempts by the decedent; (6)  
127 and any record of past mental health treatment of the decedent. Names, addresses or other  
128 identifying factors shall not be included.

129 The department shall annually submit a report, which shall include aggregate data  
130 collected for the preceding calendar year and the department's analysis, with the clerks of the  
131 house of representatives and the senate and the executive office of public safety and security on  
132 or before December 31.

133 The commissioner shall work in conjunction with the offices and agencies in custody of  
134 the data listed in this section to facilitate collection of said data, and to ensure that data sharing  
135 mechanisms are in compliance with all applicable laws relating to privacy protection.

136 Data collected and held by the department for the purpose of completing a report  
137 pursuant to this section shall not be subject to the provisions of section 10 of chapter 66 of the  
138 General Laws.

139 SECTION 7. Chapter 112 of the General Laws is hereby amended by inserting after  
140 section 5M the following section:-

141 Section 5N. The board shall, in collaboration with experts in violence and injury  
142 prevention, and in coordination with relevant training accreditation bodies, develop or provide  
143 for, and make available for voluntary participation by any physician, a professional development  
144 training module on suicide prevention through reduction of access to lethal means. The goal of  
145 the training module shall be to encourage physicians to speak with their patients and patients'  
146 families about the risk posed by access to lethal means in the home, and to increase a physician's  
147 ability and comfort in having such discussions with patients and families in a legally, ethically  
148 and medically appropriate manner. The training module shall include information on:

149 (i) rates of attempted and completed suicides, including demographics, trends in mental  
150 health histories of suicide victims and trends in rates of reattempts by survivors;

151 (ii) the impact of lethal means reduction in reducing rates of completed suicides, and on  
152 best practices, separate and distinct from behavioral health treatment, that may impact suicide  
153 rates through the reduction of environmental safety risks;

154 (iii) the role of firearms, including firearms ownership and access to household firearms,  
155 in impacting rates of attempted and completed suicides, as compared to other means of attempted  
156 suicide;

157 (iv) strategies for discussions with patients, or the patient's family or legal guardians,  
158 concerning safety assessments, and securing or removing firearms and other lethal means of  
159 suicide from the home during high risk periods; and

160 (v) other information deemed by the board to be appropriate and relevant to the purpose  
161 of the training.

162 The training module developed shall be accepted by the board as up to 2 continuing  
163 professional development credits.

164 SECTION 8. Subsection (b) of section 12 of chapter 123 of the General Laws, as  
165 appearing in the 2012 Official Edition, is hereby amended by striking out the first paragraph and  
166 inserting in place thereof the following paragraph:-

167 Only if the application for hospitalization under the provisions of this section is made by  
168 a physician specifically designated to have the authority to admit to a facility in accordance with  
169 the regulations of the department, shall such person be admitted to the facility, immediately after  
170 his reception, for assessment or evaluation purposes, notwithstanding the fact that the person  
171 may receive care and treatment. If the application is made by someone other than a designated  
172 physician, such person shall be given a psychiatric examination by a designated physician  
173 immediately after his reception at such facility. If the physician determines that failure to  
174 hospitalize such person would create a likelihood of serious harm by reason of mental illness he  
175 or she may admit such person to the facility for assessment or evaluation purposes,  
176 notwithstanding the fact that the person may receive care and treatment.

177 SECTION 9. Subsection (e) of said section 12 of said chapter 123, as so appearing, is  
178 hereby amended by adding the following sentence:- Admittance or commitment ordered  
179 pursuant to this subsection shall be for assessment or evaluation purposes, notwithstanding the  
180 fact that the person may receive care and treatment.

181 SECTION 10. Section 35 of said chapter 123, as so appearing, is hereby amended by  
182 adding the following 4 paragraphs:-

183 The court, in its order, shall specify whether such commitment is based upon a finding  
184 that the person is an alcoholic, a substance abuser, or both. The court, upon ordering the  
185 commitment of a person found to be substance abuser pursuant to this section, shall transmit the  
186 person's name and nonclinical identifying information, including the person's Social Security  
187 number and date of birth, to the department of criminal justice information services. The court  
188 shall notify the person of the prohibitions of sections 129B and 131 of chapter 140 and 18 U.S.C.  
189 sections 922(d)(4) and 922(g)(4).

190 A person found to be a substance abuser and committed pursuant to this section may file  
191 a petition for relief with the court that ordered the commitment requesting that the court restore



192 the person's ability to possess any firearm, rifle or shotgun. The court may grant the relief sought  
193 in accordance with the principles of due process if the circumstances regarding the person's  
194 disqualifying condition and the person's record and reputation are determined to be such that: (i)  
195 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting  
196 of relief would not be contrary to the public interest. In making the determination, the court may  
197 consider evidence from a licensed medical doctor or clinical psychologist that the person is no  
198 longer suffering from the disease or condition that caused the disability or that the disease or  
199 condition has been successfully treated for a period of 3 consecutive years.

200           When the court grants a petition for relief pursuant to this section, the clerk shall  
201 immediately forward a copy of the order for relief to the department of criminal justice  
202 information services.

203           A person whose petition for relief is denied may appeal to the appellate division of the  
204 district court for a de novo review of the denial.

205           SECTION 11. Section 36A of said chapter 123, as so appearing, is hereby further  
206 amended by adding the following paragraph:-

207           Notwithstanding the preceding paragraph, a court may, pursuant to section 35 and section  
208 36C, transmit information contained in court records to the department of criminal justice  
209 information services for the purposes of: (i) providing licensing authorities as defined under  
210 section 121 of chapter 140 of the General Laws with information required or permitted to be  
211 considered under state or federal law for the purpose of conducting background checks for  
212 firearm sales or licensing; and (ii) providing the attorney general of the United States with  
213 information required or permitted under federal law to be included in the National Instance  
214 Criminal Background Check System maintained for the purpose of conducting background  
215 checks for firearms sales or licensing; provided, however, the court shall not transmit  
216 information solely because a person seeks voluntary treatment or is involuntarily hospitalized for  
217 assessment or evaluation purposes. Information transmitted to the department of criminal justice  
218 information services pursuant to this section and sections 35 and 36C shall not be considered  
219 public records pursuant to section 7 of chapter 4.

220           SECTION 12. Said chapter 123 is hereby amended by inserting after section 36B the  
221 following section:-

222           Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8,  
223 15 or 18 or subsections (b) and (c) of section 16, shall transmit the person's name and  
224 nonclinical, identifying information, including the person's Social Security number and date of  
225 birth to the department of criminal justice information services. The court shall notify the person  
226 of the prohibitions of sections 129B and 131 of chapter 140 of the General Laws and 18 U.S.C.  
227 sections 922(d)(4) and 922(g)(4).

228 (b) A person so committed pursuant to sections 7, 8, 15 or 18 or subsections (b) and (c)  
229 may file a petition for relief with the court that ordered the commitment requesting the court to  
230 restore the person's ability to possess a firearm. The court may grant the relief sought in  
231 accordance with the principles of due process if the circumstances regarding the person's  
232 disqualifying condition and the person's record and reputation are determined to be such that: (i)  
233 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting  
234 of relief would not be contrary to the public interest. In making the determination, the court may  
235 consider evidence from a licensed medical doctor or clinical psychologist that the person is no  
236 longer suffering from the disease or condition that caused the disability or that the disease or  
237 condition has been successfully treated for a period of 3 consecutive years.

238 (c) When the court grants a petition for relief pursuant to subsection (b), the clerk shall  
239 immediately forward a copy of the order for relief to the department of criminal justice  
240 information services.

241 (d) A person whose petition for relief is denied pursuant to subsection (b) may appeal to  
242 the appellate division of the district court for a de novo review of the denial.

243 SECTION 13. The first paragraph of section 14 of chapter 131 of the General Laws, as  
244 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence  
245 the following sentence:-

246 The course shall also include, with respect to safe handling of firearms, the program of  
247 instruction on harm reduction developed by the division on violence and injury prevention  
248 pursuant to section 230 of chapter 111.

249 SECTION 14. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby  
250 amended by striking out, in line 1, the word "131P" and inserting in place thereof the following  
251 word:- 131Q.

252 SECTION 15. Said section 123 of said chapter 140, as so appearing, is hereby further  
253 amended by inserting after the word "height", in line 127, the following words:- , and further that  
254 the licensee shall conspicuously post and distribute at each purchase counter a notice providing  
255 information on suicide prevention developed pursuant to section 230 of chapter 111.

256 SECTION 16. Chapter 140 is hereby amended by inserting after section 125 the  
257 following section:-

258 Section 125A. A person issued a license pursuant to section 122 who fails to renew a  
259 license or whose license is forfeited pursuant to section 125 shall, within 90 days of nonrenewal  
260 or forfeiture, unless the license is sooner renewed, transmit all records of firearms sales to the  
261 executive office of public safety and the federal Bureau of Alcohol, Tobacco, Firearms and

262 Explosives. Whoever fails to comply with this section shall be punishable by a fine of not less  
263 than \$500 and not more than \$5,000.

264 SECTION 17. Section 128 of said chapter 140, as so appearing, is hereby amended by  
265 inserting after the word "sixteenth", in line 4, the following words :- , seventeenth.

266 SECTION 18. Section 128A of said chapter 140 is hereby amended by adding the  
267 following 2 sentences:- Any sale or transfer conducted pursuant to this section shall comply with  
268 section 131E and shall take place at the location of a dealer licensed pursuant to section 122, who  
269 shall transmit the information required by this section for purchases and sales to the department  
270 of criminal justice information services. A licensed dealer may charge the seller a fee not to  
271 exceed \$25 for each sale or transfer submitted on behalf of the seller to the department of  
272 criminal justice information services.

273 SECTION 19. Section 129B of said chapter 140, as so appearing, is hereby amended by  
274 striking out paragraph (1) and inserting in place thereof the following paragraph:-

275 (1) Any person residing or having a place of business within the jurisdiction of the  
276 licensing authority or any person residing in an area of exclusive federal jurisdiction located  
277 within a city or town may submit to the licensing authority an application for a firearm  
278 identification card, or renewal of the same, which the licensing authority may issue if it appears  
279 that the applicant is a suitable person to be issued a card and that the applicant has good reason to  
280 fear injury to his person or property, or for any other reason, including the carrying of firearms  
281 for use in sport or target practice only, unless the applicant:

282 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful  
283 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:  
284 (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 1 year; (c) a violent  
285 crime as defined in section 121; (d) a violation of any law regulating the use, possession,  
286 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
287 ammunition for which a term of imprisonment may be imposed; (e) a violation of any law  
288 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter  
289 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime  
290 of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33); provided, however,  
291 that except for the commission of a felony, a misdemeanor crime of domestic violence, a violent  
292 crime or a crime involving the trafficking of controlled substances, if the applicant has been so  
293 convicted or adjudicated or released from confinement, probation or parole supervision for such  
294 conviction or adjudication, whichever is last occurring, not less than 5 years immediately  
295 preceding such application, such applicant's right or ability to possess a non-large capacity rifle  
296 or shotgun shall be deemed restored in the commonwealth with respect to such conviction or  
297 adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm  
298 identification card;

299 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful  
300 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable  
301 by imprisonment for more than 1 year; (c) a violent crime as defined in section 121; (d) a  
302 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
303 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
304 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled  
305 substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under  
306 said chapter 94C; (f) a misdemeanor crime of domestic violence as that term is defined in 18  
307 U.S.C. section 921(a)(33); provided, however, that, except for the commission of felony, a  
308 misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of  
309 weapons or controlled substances, if the applicant has been so convicted or adjudicated or  
310 released from confinement, probation or parole supervision for such conviction or adjudication,  
311 whichever is last occurring, not less than 5 years immediately preceding such application, and  
312 such applicant's right or ability to possess a rifle or shotgun has been fully restored in the  
313 jurisdiction wherein the subject conviction or adjudication was entered, such conviction or  
314 adjudication shall not disqualify such applicant for a firearm identification card;

315 (iii) is or has been: (a) confined to any hospital or institution for mental illness, unless the  
316 applicant submits with his or her application an affidavit of a registered physician attesting that  
317 such physician is familiar with the applicant's mental illness and that in such physician's opinion  
318 the applicant is not disabled by such an illness in a manner that should prevent the applicant from  
319 possessing a firearm, rifle or shotgun; (b) committed by an order of a court to any hospital or  
320 institution for mental illness, unless the applicant was granted a petition for relief of the court's  
321 order pursuant to section 36C of chapter 123 and submits a copy of the order for relief with his  
322 or her application; or (c) subject to a current order of the probate court appointing a guardian or  
323 conservator for a incapacitated person on the grounds that that applicant lacks the mental  
324 capacity to contract or manage his or her own affairs, unless the applicant was granted a petition  
325 for relief and submits a copy of the order for relief with his or her application.

326 (iv) is or has been: (a) under treatment for or confinement for drug addiction or habitual  
327 drunkenness, unless such applicant is deemed to be cured of such condition by a licensed  
328 physician, in which case he may make application for such card after the expiration of 5 years  
329 from the date of such confinement or treatment and upon presentation of an affidavit issued by  
330 such physician to the effect that such physician knows the applicant's history of treatment and  
331 that in such physician's opinion the applicant is deemed cured or; (b) found to be a substance  
332 abuser and committed pursuant to section 35 of chapter 123, unless the applicant was granted a  
333 petition for relief of the court's order pursuant to said section 35 and submits a copy of the order  
334 for relief with his or her application;

335 (v) is at the time of the application less than 15 years of age;

336 (vi) is at the time of the application more than 15 but less than 18 years of age, unless the  
337 applicant submits with his application a certificate of his parent or guardian granting the  
338 applicant permission to apply for a card;

339 (vii) is an alien;

340 (viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to  
341 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a  
342 permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued  
343 by another jurisdiction, including any such order described in 18 U.S.C. section 922(g)(8);

344 (ix) is currently the subject of an outstanding arrest warrant in any state or federal  
345 jurisdiction;

346 (x) has been discharged from the Armed Forces of the United States under dishonorable  
347 conditions;

348 (xi) is a fugitive from justice; or

349 (xii) having been a citizen of the United States, has renounced his or her citizenship.

350 The executive office of public safety and security, with the advice and recommendations  
351 of the Massachusetts Chiefs of Police Association and the gun control advisory board, shall  
352 promulgate rules and regulations establishing uniform standards that specify, clarify or define  
353 what constitutes a suitable person for purposes of issuing a card pursuant to this paragraph.

354 SECTION 20. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is  
355 hereby amended by adding the following 2 sentences:- The licensing authority shall provide to  
356 the applicant a receipt indicating that it received the applicant's application. The receipt shall be  
357 provided to the applicant within 7 days by mail if the application was received by mail, or  
358 immediately if the application was made in person; provided, however, that the receipt shall  
359 include the applicants' name, the applicant's address, the applicant's current firearm  
360 identification card number, if any, the applicant's current card expiration date, if any, the date  
361 when the application was received by the licensing authority, the name of the licensing authority  
362 and its agent that received the application, the licensing authority's address and telephone  
363 number, the type of application, and whether it is an application for a new card or for renewal of  
364 an existing card; and provided further, that a copy of the receipt shall be kept by the licensing  
365 authority for no less than 1 year and a copy shall be furnished to the applicant if requested by the  
366 applicant.

367 SECTION 21. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is  
368 hereby amended in paragraph (7) by striking out the first sentence and inserting in place thereof  
369 the following sentence:- A firearm identification card shall be in a standard form provided by the  
370 commissioner of the department of criminal justice information services in a size and shape

371 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles  
372 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,  
373 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and  
374 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide  
375 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline  
376 and the Samaritans Statewide Helpline.

377 SECTION 22. Said section 129B of said chapter 140, as so appearing, is hereby amended  
378 by striking out paragraph (9) and inserting in place thereof the following paragraph:-

379 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period  
380 of not more than 6 years from the date of issue, except that if the cardholder applied for renewal  
381 before the card expired, the card shall remain valid after the expiration date on the card, until the  
382 application for renewal is approved or denied; provided, however, if the cardholder is on active  
383 duty with the armed forces of the United States on the expiration date of his card, the card shall  
384 remain valid until the cardholder is released from active duty and for a period not less than 90  
385 days following such release, except that if the cardholder applied for renewal prior to the end of  
386 such period, the card shall remain valid after the expiration date on the card, until the application  
387 for renewal is approved or denied. A card issued on February 29 shall expire on March 1. The  
388 commissioner of criminal justice information services shall send electronically or by first class  
389 mail to the holder of a firearm identification card, a notice of the expiration of the card not less  
390 than 90 days before its expiration, and shall enclose with the notice a form for the renewal of the  
391 card. The form for renewal shall include an affidavit whereby the applicant shall verify that the  
392 applicant has not lost any firearms or had any firearms stolen from the applicant's possession  
393 since the date of the applicant's last renewal or issuance. The commissioner of criminal justice  
394 information services shall include in the notice all pertinent information about the penalties that  
395 may be imposed if the firearm identification card is not renewed within the 90 days before  
396 expiration. The commissioner of criminal justice information services shall provide electronic  
397 notice of expiration only upon the request of a cardholder. A request for electronic notice of  
398 expiration shall be forwarded to the department on a form furnished by the commissioner. Any  
399 electronic address maintained by the department for the purpose of providing electronic notice of  
400 expiration shall be considered a firearms record and shall not be disclosed except as provided in  
401 section 10 of chapter 66.

402 SECTION 23. Said section 129B of said chapter 140, as so appearing is hereby further  
403 amended by striking out in lines, 195, 218, 219 and 224, each time they appear, the word  
404 "clause" and inserting in place thereof the following word:- paragraph.

405 SECTION 24. Said section 129B of said chapter 140, as so appearing, is hereby further  
406 amended by striking out, in lines 245 to 248, inclusive, the words "meaning after 90 days beyond  
407 the stated expiration date on the card, but who shall not be disqualified from renewal upon  
408 application therefor under this section, shall be subject to a civil fine of not less than \$500" and

409 inserting in place thereof the following words:- but who shall not be disqualified from renewal  
410 upon application therefor pursuant to this section, shall be subject to a civil fine of not less than  
411 \$100.

412 SECTION 25. The third paragraph of said section 129C of said chapter 140, as so  
413 appearing is hereby amended by striking out the last sentence and inserting in place thereof the  
414 following 2 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or  
415 machine gun or the recovery of any firearm, rifle, shotgun or machine gun, previously reported  
416 lost or stolen, to both the commissioner of the department of criminal justice information  
417 services and the licensing authority in the city or town where the owner resides shall be punished  
418 by a fine of not less than \$500 nor more than \$5,000 for a first offense, by a fine of not less than  
419 \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more  
420 than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such  
421 fines and imprisonments, for a third or subsequent offense. Failure to so report shall be cause for  
422 suspension or permanent revocation of such person's firearm identification card or license to  
423 carry firearms, or both.

424 SECTION 26. Section 131 of said chapter 140, as so appearing, is hereby further  
425 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

426 (d) Any person residing or having a place of business within the jurisdiction of the  
427 licensing authority or any law enforcement officer employed by the licensing authority or any  
428 person residing in an area of exclusive federal jurisdiction located within a city or town may  
429 submit to such licensing authority or the colonel of state police, an application for a Class A or  
430 Class B license to carry firearms, or renewal of the same, which such licensing authority or said  
431 colonel may issue if it appears that the applicant is a suitable person to be issued such license,  
432 and that the applicant has good reason to fear injury to his person or property, or for any other  
433 reason, including the carrying of firearms for use in sport or target practice only, subject to such  
434 restrictions expressed or authorized under this section, unless the applicant:

435 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful  
436 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable  
437 by imprisonment for more than 1 year; (c) a violent crime as defined in section 121; (d) a  
438 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
439 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
440 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled  
441 substances as defined in section 1 of chapter 94C; or (f) a misdemeanor crime of domestic  
442 violence as that term is defined in 18 U.S.C. section 921(a)(33);

443 (ii) is or has been: (a) confined to any hospital or institution for mental illness, unless the  
444 applicant submits with his application an affidavit of a registered physician attesting that such  
445 physician is familiar with the applicant's mental illness and that in such physician's opinion the

446 applicant is not disabled by such an illness in a manner that should prevent such applicant from  
447 possessing a firearm; (b) committed by an order of a court to any hospital or institution for  
448 mental illness, unless the applicant was granted a petition for relief of the court's order pursuant  
449 to section 36C of chapter 123 and submits a copy of the order for relief with his or her  
450 application; or (c) subject to a current order of the probate court appointing a guardian or  
451 conservator for a incapacitated person on the grounds that that applicant lacks the mental  
452 capacity to contract or manage his or her own affairs, unless the applicant was granted a petition  
453 for relief and submits a copy of the order for relief with his or her application.

454 (iii) is or has been: (a) under treatment for or confinement for drug addiction or habitual  
455 drunkenness, unless such applicant is deemed to be cured of such condition by a licensed  
456 physician, and such applicant may make application for such license after the expiration of five  
457 years from the date of such confinement or treatment and upon presentment of an affidavit issued  
458 by such physician stating that such physician knows the applicant's history of treatment and that  
459 in such physician's opinion the applicant is deemed cured, or; (b) found to be a substance abuser  
460 and committed pursuant to section 35 of chapter 123, unless the applicant was granted a petition  
461 for relief of the court's order pursuant to said section 35 and submits a copy of the order for  
462 relief with his or her application;

463 (iv) is at the time of the application less than 21 years of age;

464 (v) is an alien;

465 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to  
466 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a  
467 permanent or temporary protection order issued pursuant to chapter 209A or a similar order  
468 issued by another jurisdiction, including any such order described in 18 U.S.C. section 922(g)(8);

469 (vii) is currently the subject of an outstanding arrest warrant in any state or federal  
470 jurisdiction;

471 (viii) has been discharged from the Armed Forces of the United States under  
472 dishonorable conditions;

473 (ix) is a fugitive from justice; or

474 (x) having been a citizen of the United States, has renounced his or her citizenship.

475 The executive office of public safety and security, with the advice and recommendations  
476 of the Massachusetts Chiefs of Police Association and the gun control advisory board, shall  
477 promulgate rules and regulations establishing uniform standards that specify, clarify or define  
478 what constitutes a suitable person for the purposes of issuing a license pursuant to this paragraph.



479 SECTION 27. Paragraph (e) of said section 131 of said chapter 140, as so appearing, is  
480 hereby amended by adding the following paragraph:-

481 The licensing authority shall provide to the applicant a receipt indicating that it received  
482 the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if  
483 the application was received by mail, or immediately if the application was made in person;  
484 provided further, that the receipt shall include the applicants' name, the applicant's address, the  
485 applicant's current license number, if any, the applicant's current license expiration date if any,  
486 the date when the application was received by the licensing authority, the name of the licensing  
487 authority and its agent that received the application, the licensing authority's address and  
488 telephone number, the type of application, and whether it is an application for a new license or  
489 for renewal of an existing license; provided further, that a copy of the receipt shall be kept by the  
490 licensing authority for no less than 1 year and a copy shall be furnished to the applicant if  
491 requested by said applicant.

492 SECTION 28. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is  
493 hereby amended by striking out the second sentence and inserting in place thereof the following  
494 sentence:- Such license shall be clearly marked "License to Carry Firearms", shall clearly  
495 indicate whether the license is Class A or Class B and shall provide in a legible font size and  
496 style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans  
497 Statewide Helpline.

498 SECTION 29. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is  
499 hereby amended by striking out the first sentence and inserting in place thereof the following  
500 sentence:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for  
501 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the  
502 licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of  
503 issue, except that if the licensee applied for renewal before the license expired, the license shall  
504 remain valid after the expiration date on the license, until the application for renewal is approved  
505 or denied; provided, however, if the licensee is on active duty with the armed forces of the  
506 United States on the expiration date of his license, the license shall remain valid until the  
507 licensee is released from active duty and for a period not less than 90 days following such  
508 release, except that if the licensee applied for renewal prior to the end of such period, the license  
509 shall remain valid after the expiration date on the license, until the application for renewal is  
510 approved or denied.

511 SECTION 30. Paragraph (l) of said section 131 of said chapter 140, as so appearing, is  
512 hereby amended by inserting after the first sentence the following sentence:- The form for  
513 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not  
514 lost any firearms or had any firearms stolen from the applicant's possession since the date of the  
515 applicant's last renewal or issuance.

516 SECTION 31. Said section 131 of said chapter 140, as so appearing, is hereby further  
517 amended by striking out, in line 317 to 320, inclusive, the words “meaning after 90 days beyond  
518 the stated expiration date on the license, but who shall not be disqualified from renewal upon  
519 application therefor under this section, shall be subject to a civil fine of not less than \$500” and  
520 inserting in place thereof the following words:- but who shall not be disqualified from renewal  
521 upon application therefor pursuant to this section, shall be subject to a civil fine of not less than  
522 \$100.

523 SECTION 32. Section 131 ¾ of said chapter 140, as so appearing, is hereby amended by  
524 striking out the first, second and third paragraphs and inserting in place thereof the following 3  
525 paragraphs:-

526 The secretary of public safety shall, with the advice of the gun control advisory board  
527 established pursuant to the provisions of section 131 ½ and in consultation with the attorney  
528 general, compile and publish a roster of large capacity rifles, shotguns, firearms and feeding  
529 devices, all as defined in section 121, and such weapons referred to in clauses Eighteenth to  
530 Twenty-first, inclusive, of section 123; provided, however, the make and model of any weapon,  
531 the sale of which would constitute an unfair or deceptive trade act or practice pursuant to section  
532 131K or section 2 of chapter 93A, shall not be included on the roster.

533 The secretary shall, not less than 3 times annually, publish the roster in newspapers of  
534 general circulation throughout the commonwealth, and shall send a copy thereof to all dealers  
535 licensed in the commonwealth under the provisions of said section 122 of said chapter 140; and  
536 further, the licensing authority shall furnish said roster to all cardholders and licensees upon  
537 initial issuance and upon every renewal of the same.

538 The secretary may amend the roster upon his own initiative or with the advice of the gun  
539 control advisory board or the attorney general. A person may petition the secretary to place a  
540 weapon on, or remove a weapon from, the roster, subject to the provisions of this section. A  
541 person who so petitions shall give the reasons why the roster should be so amended.

542 SECTION 33. Section 131L of said chapter 140, as so appearing is hereby amended by  
543 striking out subsections (b) to (d) and inserting in place thereof the following 3 subsections:-

544 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun  
545 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by  
546 imprisonment for not more than 1 and 1/2 years, or by both fine and imprisonment, and in the  
547 case of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than  
548 \$15,000 or by imprisonment for not less than 1 and 1/2 years nor more than 12 years, or by both  
549 fine and imprisonment.

550 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is  
551 not a large capacity weapon and such weapon was stored or kept in a place where a person under

552 the age of 18 who does not possess a valid firearm identification card issued under section 129B  
553 may have access without committing an unforeseeable trespass, by a fine of not less than \$2,500  
554 nor more than \$15,000 or by imprisonment for not less than 1 and 1/2 years nor more than 12  
555 years, or by both fine and imprisonment.

556 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a  
557 large capacity weapon, firearm or machine gun was stored or kept in a place where a person  
558 under the age of 18 may have access, without committing an unforeseeable trespass, by a fine of  
559 not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4 years, nor  
560 more than 15 years, or by both fine and imprisonment.

561 SECTION 34. Section 131P of said chapter 140, as so appearing, is hereby further  
562 amended by striking out subsection (b) and inserting in place thereof the following subsection:

563 ((b) The colonel of the state police shall certify certain persons as firearms safety  
564 instructors in a manner consistent with this section and any rules or regulations promulgated  
565 pursuant to this section. Such certification shall be for a period of 10 years, unless sooner  
566 revoked. The department of state police may impose a fee of \$50 for initial issuance of such  
567 certification to offset the cost of certifying instructors. The fee for certification renewal shall be  
568 \$10. The colonel may certify any person as an instructor if it appears that the instructor is: (i) a  
569 suitable person to give instruction in a basic firearms safety course; and (ii) qualified to  
570 incorporate the standardized curriculum for instruction, as established by the executive office of  
571 public safety and security, in his or her basic firearms safety course. The colonel shall revoke the  
572 certification of any person who is thereafter deemed, in the discretion of the colonel, not to be a  
573 suitable person to give instruction in a basic firearms safety course or who fails to incorporate the  
574 standardized curriculum for instruction, as established by the executive office of public safety  
575 and security, in his or her basic firearms safety course.

576 Applicants for certification as instructors under the provisions of this section shall not be  
577 exempt from the requirements of this chapter or any other law or regulation of the  
578 commonwealth or the United States. The colonel of state police shall promulgate rules and  
579 regulations governing the issuance and form of basic firearms safety certificates required by this  
580 section.

581 The executive office of public safety and security, with the advice and recommendations  
582 of the Massachusetts Chiefs of Police Association and the gun control advisory board, shall  
583 promulgate rules and regulations establishing standardized curriculum for instruction to be  
584 included in all basic firearms safety courses; provided, however, the standardized curriculum for  
585 instruction shall include live fire training and instruction on: (i) the safe use, handling and  
586 storage of firearms; (ii) methods for securing and childproofing firearms; (iii) the applicable  
587 laws, including laws of the commonwealth, relating to the possession, transportation and storage  
588 of firearms; (iv) operation, potential dangers and basic competency in the ownership and usage

589 of firearms; and (v) the prevention of suicide and gun-related accidents, which shall incorporate  
590 the program of instruction on harm reduction developed by the division on violence and injury  
591 prevention pursuant to section 230 of chapter 111.

592 The executive office of public safety and security, with the advice and recommendations  
593 of the Massachusetts Chiefs of Police Association and the gun control advisory board, shall  
594 promulgate rules and regulations establishing uniform standards that specify, clarify or define  
595 what constitutes a suitable person to give instruction in a basic firearms safety course.

596 SECTION 35. Said chapter 140 is hereby amended by inserting after section 136P the  
597 following section:-

598 Section 136Q. Any firearm, rifle or shotgun, large capacity weapon, machine gun or  
599 assault weapon used to carry out a criminal act shall be traced by the licensing authority for the  
600 city or town in which the crime took place. The licensing authority shall report data, including  
601 the make, model and caliber of the weapon used and the type of crime committed, whether or not  
602 an arrest or conviction is made, to the colonel of state police. The colonel of state police shall  
603 produce an annual report on crimes committed in the commonwealth using firearms, rifles or  
604 shotguns, large capacity weapons, machine guns or assault weapons and shall submit a copy of  
605 such report, upon request, to criminology, public policy and public health researchers and other  
606 law enforcement agencies.

607 SECTION 36. Chapter 209A is hereby amended by inserting after section 3C the  
608 following section:-

609 Section 3D. Upon an order for suspension or surrender issued pursuant to section 3B or  
610 3C, the court shall transmit a report containing the defendant's name and identifying information  
611 and a statement specifying and describing the defendant's alleged conduct and relationship to the  
612 plaintiff, to the department of criminal justice information services. Upon the expiration,  
613 cancelation or revocation of such an order, the court shall transmit a report containing the  
614 defendant's name and identifying information, a statement specifying and describing the  
615 defendant's alleged conduct and relationship to the plaintiff and an explanation that the order is  
616 no longer current or valid, to the department of criminal justice information services.

617 SECTION 37. Section 21A of chapter 265 of the General Laws, as appearing in the 2012  
618 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
619 thereof the following sentence:- Whoever commits any offense described in this section while  
620 being armed with a firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by  
621 imprisonment in the state prison for not less than 7 years.

622 SECTION 38. Section 17 of chapter 266 of the General Laws, as appearing in the 2012  
623 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
624 thereof the following sentence:- Whoever commits any offense described in this section while

625 armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by  
626 imprisonment in the state prison for not less than 7 years or in the house of correction for not less  
627 than 2 years nor more than 2 and 1/2 years.

628 SECTION 39. Section 18 of said chapter 266, as so appearing, is hereby amended by  
629 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
630 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
631 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less  
632 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more  
633 than 2 and 1/2 years.

634 SECTION 40. Section 10 of chapter 269 of the General Laws, as appearing in the 2012  
635 Official Edition, is hereby amended by adding the following paragraph:-

636 (p) Whoever knowingly has in his possession or knowingly has under his or her control  
637 in a vehicle, a weapon, loaded or unloaded, as defined in section 121 of chapter 140, without  
638 being in or on his or her residence or place of business and having a percentage, by weight, of  
639 alcohol in their blood of 8 one-hundredths or greater, or while under the influence of a narcotic  
640 drug or depressant or stimulant substance, as those terms are defined in section 1 of chapter 94C,  
641 or an intoxicating liquor, marijuana or the vapors of glue shall be punished by imprisonment in a  
642 house of correction for not more than 2 years or by a fine of not more than \$2000. A conviction  
643 or admission to sufficient facts of a violation of this subsection shall revoke a firearm  
644 identification card issued pursuant to section 129B of said chapter 140 or a license issued  
645 pursuant to section 131 of said chapter 140; provided that the defendant shall be allowed 1 month  
646 to dispose of any firearms possessed or owned by him or her prior to being convicted. Such  
647 revoked license shall immediately be surrendered to the prosecuting officer who shall forward  
648 the same to the licensing authority. The court shall report immediately any revocation of a  
649 license or card pursuant to this subsection to the department of criminal justice information  
650 services and to the police department of the municipality in which the defendant is domiciled. A  
651 person convicted of violating this subsection shall not be eligible to obtain a firearm  
652 identification card pursuant to said section 129B of said chapter 140 or license pursuant to said  
653 section 131 of said chapter 140 for 10 years from the date of conviction.

654 SECTION 41. Section 10 of said chapter 269 of the General Laws, as so appearing, is  
655 hereby amended by striking out paragraph (j) and inserting in place thereof the following  
656 paragraph:-

657 (j) For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or  
658 smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

659 Whoever, not being a law enforcement officer, and notwithstanding any license obtained  
660 by him pursuant to the provisions of chapter 140, carries on his person a firearm as hereinafter  
661 defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any

662 elementary or secondary school, college or university without the written authorization of the  
663 board or officer in charge of such elementary or secondary school, college or university shall be  
664 punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or  
665 both. A law enforcement officer may arrest, without a warrant, and detain a person found  
666 carrying a firearm in violation of this paragraph.

667 Any officer in charge of an elementary or secondary school, college or university or any  
668 faculty member or administrative officer of an elementary or secondary school, college or  
669 university failing to report violations of this paragraph shall be guilty of a misdemeanor and  
670 punished by a fine of not more than \$500.

671 SECTION 42. Chapter 265 of the General Laws is hereby amended by inserting after  
672 section 13M the following section:-

673 Section 13N. Upon entry of a conviction for any misdemeanor offense that has an  
674 element the use or attempted use of physical force, or the threatened use of a deadly weapon, the  
675 court shall determine whether the victim or intended victim was a family or household member  
676 of the defendant, as defined in section 1 of chapter 209A. If the victim or intended victim was a  
677 family or household member of the defendant, the court shall enter the offense, the chapter,  
678 section and subsection, if any, of the offense, and the relationship of the defendant to the victim  
679 upon the records, and this entry shall be forwarded to the department of criminal justice  
680 information services for inclusion in the criminal justice information system and for the purpose  
681 of providing the attorney general of the United States with information required or permitted  
682 under federal law to be included in the National Instance Criminal Background Check System or  
683 any successor system maintained for the purpose of conducting background checks for firearm  
684 sales or licensing.

685 SECTION 43. (a) Notwithstanding any general or special law or court order, including an  
686 order of impoundment, to the contrary, the administrative office of the trial court shall transmit  
687 any order of the probate court appointing a guardian or conservator for an incapacitated person  
688 under part 3 or part 4 of article V of the Massachusetts Uniform Probate Code on the ground that  
689 the person lacks mental capacity to contract or manage his or her own affairs, and any  
690 subsequent order terminating or rescinding such appointment, to the department of criminal  
691 justice information services for the purposes of providing: (i) licensing authorities as defined  
692 under section 121 of chapter 140 of the General Laws with information required or permitted to  
693 be considered under state and federal law for the purpose of conducting background checks for  
694 firearm sales or licensing; and (ii) the attorney general of the United States with information  
695 required or permitted under federal law to be included in the National Instance Criminal  
696 Background Check System maintained for the purpose of conducting background checks for  
697 firearms sales or licensing. The department of criminal justice information services shall transmit  
698 no more information than is necessary for the purpose stated above, and such information shall  
699 not be considered a public record under section 7 of chapter 4.

700 (b) A person found to lack the mental capacity to contract or manage his or her own  
701 affairs may file a petition for relief with the probate court that ordered the commitment  
702 requesting the court to restore the person's ability to possess a firearm. The court may grant the  
703 relief sought in accordance with the principles of due process if the circumstances regarding the  
704 person's disqualifying condition and the person's record and reputation are determined to be such  
705 that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the  
706 granting of relief would not be contrary to the public interest. In making the determination, the  
707 court may consider evidence from a licensed medical doctor or clinical psychologist that the  
708 person is no longer suffering from the disease or condition that caused the incapacity or that the  
709 disease or condition has been successfully treated for a period of 3 consecutive years. Upon the  
710 granting of a petition for relief, the administrative office of the trial court shall immediately  
711 forward a copy of the order for relief to the department of criminal justice information services  
712 for the purposes listed in subsection (a).

713 SECTION 44. Notwithstanding section 36 of chapter 123 of the General Laws, and for  
714 sole purpose of providing the attorney general of the United States with information required or  
715 permitted under federal law to be included in the National Instance Criminal Background Check  
716 System maintained for the purpose of conducting background checks for firearms sales or  
717 licensing:

718 No later than 6 months from the effective date of this act, the department of mental health  
719 shall transmit to the department of criminal justice information services sufficient information to  
720 identify all persons known to the department of mental health who have been committed to any  
721 hospital or institution for mental illness pursuant to sections 7, 8, 15 or 18 or subsections (b) and  
722 (c) of section 16 of chapter 123 of the General Laws or committed as a substance abuser  
723 pursuant to section 35 of said chapter 123 within 20 years of the effective date or who are so  
724 confined at the time of transmission.

725 The department of criminal justice information services shall provide such transmit no  
726 more information than is necessary for the purpose stated above and such information shall not  
727 be considered a public record under section 7 of chapter 4.

728 SECTION 45. A person licensed pursuant to section 122 of chapter 140 shall, within 180  
729 days of the effective date of this act, obtain from the department of criminal justice information  
730 services all available criminal offender record information, as that term is defined in section 67  
731 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of  
732 section 172 of said chapter 6, for current employees to determine the continued suitability of  
733 employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

734 SECTION 46. Any person who was issued a license pursuant to section 122 of chapter  
735 140 of the General Laws that is no longer current or valid and who sold a firearm, including any  
736 rifle or shotgun, under that license any time after January 1, 1994, shall transmit or cause to

737 transmit, within 180 days of the effective date of this act, all records of firearms sold under that  
738 license to the executive office of public safety and security and the federal Bureau of Alcohol,  
739 Tobacco, Firearms and Explosives. Whoever fails to comply with this section shall be punishable  
740 by a fine of not less than \$500 and not more than \$5,000; provided, however, no fine shall be  
741 assessed if the executive office of public safety determines that, upon written explanation within,  
742 a person otherwise in violation of this section cannot reasonably comply.

743 SECTION 47. There shall be a special commission established pursuant to section 2A of  
744 chapter 4 of the General Laws to consist of: the secretary of education, who shall serve as chair;  
745 2 members of the house of representatives; 2 members of the senate; the commissioner of  
746 elementary and secondary education, or a designee; the commissioner of early education and  
747 care, or a designee; the secretary of the executive office of public safety and security, or a  
748 designee; and 5 persons to be appointed by the governor, 1 of whom shall be a superintendent of  
749 a public school district in the commonwealth, 1 of whom shall be the principal of a public school  
750 in the commonwealth, 1 of whom shall be a school resource officer of a public school within the  
751 commonwealth and 2 of whom shall be parents a child attending a public school in the  
752 commonwealth for the purpose of making an investigation and study into the protocols, methods  
753 and practices included in and used in the development of: (i) medical emergency response plans  
754 under section 8A of chapter 69 of the General Laws; and (ii) multi-hazard evacuation plans  
755 under section 363 of chapter 159 of the acts of 2000. The committee shall study and assess the  
756 effect a medical emergency response plan and a multi-hazard evacuation plan would have in the  
757 event of school shooting. The commission shall study and determine common protocols,  
758 methods and practices included in and used by districts in the development of medical  
759 emergency response plans and multi-hazard evacuation plans and make recommendations  
760 relative to the development of standardized protocols and methods and best practices for school  
761 districts to consider or satisfy in the adoption of each plan. The commission shall study the  
762 efficacy of legislation requiring all districts to implement standardized protocols, methods and  
763 practices, including those based on the model medical emergency response plan developed by  
764 the department of elementary and secondary education pursuant to subsection (c) of said section  
765 8A or said chapter 69. The committee shall make any recommendations for the development of a  
766 process for review and annual assessment to ensure each school district's medical emergency  
767 response plan complies with said section 8A of said chapter 69 of the General Laws and each  
768 school district's multi-hazard evacuation plan complies with section 363 of chapter 159 of the  
769 acts of 2000.

770 SECTION 48. There shall be a special commission established pursuant to section 2A of  
771 chapter 4 of the General Laws to consist of: the commissioner of elementary and secondary  
772 education, who shall serve as chairperson; 2 members of the house of representatives, 1 of whom  
773 shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed  
774 by the minority leader; the commissioner of early education and care, or a designee; the  
775 commissioner of mental health, or a designee; the commissioner of developmental services, or a



776 designee; the commissioner of public health, or a designee; the commissioner of children and  
777 families, or a designee; the commissioner of transitional assistance, or a designee; the  
778 commissioner of youth services, or a designee; the child advocate, or a designee; and 2 persons  
779 to be appointed by the governor. The commission shall study and report on mental, emotional  
780 and behavioral health in public schools. The commission shall research and assess current health  
781 services provided in public schools throughout the commonwealth to treat students with  
782 emotional, mental and behavioral health needs. The commission shall develop recommendations  
783 for improving, supplementing and bolstering current mental health services and practices to  
784 achieve an the optimal, safe learning environment for students throughout the commonwealth  
785 The commission shall submit a final report of its findings, assessments and recommendations,  
786 together with drafts of legislation necessary to implement those recommendations, by filing the  
787 same with the clerks of the senate and house of representatives not later than 180 days after the  
788 effective date of this act.

789 SECTION 49. There shall be a special commission established pursuant to section 2A of  
790 chapter 4 of the General Laws to consist of: the secretary of the executive office of public safety  
791 and security, or a designee; the commissioner of public health, or a designee; 1 member selected  
792 by the Gun Owners' Action League, Inc.; 1 member selected by the Massachusetts Chiefs of  
793 Police Association; 1 member selected by the committee for public counsel services; 1 member  
794 selected by the National Alliance on Mental Illness of Massachusetts, Inc.; and 1 member  
795 appointed by the Massachusetts District Attorneys Association.

796 The commission shall study and report on suitable and feasible options for the  
797 safekeeping of a distressed person's firearms in a location away from the household, by his or  
798 her relations or community nongovernmental organizations including, but not limited to, legal  
799 protections for: (1) private citizens acting as good samaritans, who are of direct relation to the  
800 distressed person by family or affection; (2) turn-in and temporary storage of a distressed  
801 person's firearm by a licensed gun store or gun club; (3) and turn-in and temporary storage of a  
802 distressed person's firearm by any other type of organization or facility under registration as a  
803 firearms safe harbor.

804 The results of said study, together with any recommendations, shall be filed with the  
805 clerks of the house and the senate, the chairs of the joint committee on public safety and the  
806 chairs of the joint committee on mental health and substance abuse on or before December 31,  
807 2014.

808 SECTION 50. Notwithstanding any general or special law to the contrary, no licensing  
809 authority, as that term is defined in section 121 of chapter 140 of the General Laws, shall issue or  
810 renew a Class B license to carry pursuant to section 131 of said chapter 140; provided, however,  
811 that any Class B license issued pursuant to said section 131 of said chapter 140 prior to the  
812 effective date of this act shall remain in effect , subject to any restrictions or conditions set forth

813 in any general or special law, until the date on which said Class B license is set to expire or July  
814 31, 2020, whichever occurs first.

815 SECTION 51. Section 50 of this act shall take effect July 31, 2014.