

**HOUSE . . . . . No. 4121****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. Copping</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

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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.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) is an alien;

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

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

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

(xi) is a fugitive from justice; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) is an alien;

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

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

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

(ix) is a fugitive from justice; or

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

The executive office of public safety and security, with the advice and recommendations of the Massachusetts Chiefs of Police Association and the gun control advisory board, shall promulgate rules and regulations establishing uniform standards that specify, clarify or define 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.

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

SECTION 32. Section 131  $\frac{3}{4}$  of said chapter 140, as so appearing, is hereby amended by striking out the first, second and third paragraphs and inserting in place thereof the following 3 paragraphs:-

The secretary of public safety shall, with the advice of the gun control advisory board established pursuant to the provisions of section 131  $\frac{1}{2}$  and in consultation with the attorney general, compile and publish a roster of large capacity rifles, shotguns, firearms and feeding devices, all as defined in section 121, and such weapons referred to in clauses Eighteenth to Twenty-first, inclusive, of section 123; provided, however, the make and model of any weapon, the sale of which would constitute an unfair or deceptive trade act or practice pursuant to section 131K or section 2 of chapter 93A, shall not be included on the roster.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

SECTION 50. Notwithstanding any general or special law to the contrary, no licensing authority, as that term is defined in section 121 of chapter 140 of the General Laws, shall issue or renew a Class B license to carry pursuant to section 131 of said chapter 140; provided, however, that any Class B license issued pursuant to said section 131 of said chapter 140 prior to the 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.