HOUSE . . . . . No. 4285

House bill No. 4278, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. July 9, 2014.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the reduction of gun violence.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the sale and possession of firearms in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 167A of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following paragraph:-

(h) Notwithstanding any general or special law or court order, including an order of impoundment, to the contrary, the department shall transmit to the Attorney General of the United States any information in its control required or permitted under federal law to be included in the National Instant Background Check System or any successor system maintained for the purpose of conducting background checks for firearms sales or licensing. No more information than is necessary for the purposes stated above shall be transmitted, and such information shall not be considered a public record under section 7 of chapter 4 and section 10 of chapter 66.

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

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

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

17 Section 172L. Notwithstanding section 172 or any other general or special law to the
18 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the
19 department all available criminal offender record information prior to accepting any person as an
20 employee to determine the suitability of such employees who may have direct and unmonitored
21 contact with firearms, shotguns or rifles. Any person obtaining information pursuant to this
22 section shall not disseminate such information for any purpose other than the further protection
23 of public safety.

24 SECTION 4. Section 6 of chapter 22C of the General Laws, as appearing in the 2012
25 Official Edition, is hereby amended by adding the following paragraph:-

26 There shall be within the division a special unit known as the criminal firearms and
27 trafficking unit or the commonwealth fusion center, which, subject to appropriation, shall assist
28 the offices of the attorney general and district attorneys in investigating and prosecuting all state
29 firearm crimes.

30 SECTION 5. Chapter 69 of the General Laws is hereby amended by inserting after
31 section 1O the following section:-

32 Section 1P. (a) As used in this section the term "safe and supportive schools" shall mean
33 schools that foster a safe, positive, healthy and inclusive whole-school learning environment that
34 (i) enables students to develop positive relationships with adults and peers, regulate their
35 emotions and behavior, achieve academic and non-academic success in school and maintain
36 physical and psychological health and well-being; and (ii) integrates services and aligns
37 initiatives that promote students' behavioral health, including social and emotional learning,
38 bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental
39 health, the education of foster care and homeless youth, the inclusion of students with
40 disabilities, positive behavioral approaches that reduce suspensions and expulsions and other
41 similar initiatives.

42 (b) There shall be within the department of elementary and secondary education, a safe
43 and supportive schools framework. The framework shall provide guidance and support to
44 schools to assist with the creation of safe and supportive schools that improve the education
45 outcomes for students. The framework shall include, but not be limited to, the following
46 elements of school operations:

47 (i) leadership by school administrators to create structures within schools that promote
48 collaboration between schools and behavioral health providers within the scope of confidentiality
49 laws;

50 (ii) professional development for school personnel and behavioral health service
51 providers that: (1) clarifies roles and promotes collaboration within the scope of confidentiality
52 laws; increases cultural competency; (2) increases school personnel's knowledge of behavioral

53 health symptoms, the impact of these symptoms on behavior and learning and the availability of
54 community resources; (3) enhances school personnel's skills to help children form meaningful
55 relationships, regulate their emotions, behave appropriately and succeed academically and to
56 work with parents who may have behavioral health needs; (4) increases providers' skills to
57 identify school problems and to provide consultation, classroom observation and support to
58 school personnel, children and their families; and (5) increases school personnel's and providers'
59 knowledge of the impact of trauma on learning, relationships, physical well being and behavior
60 and of school-wide and individual approaches that help traumatized children succeed in school;

61 (iii) access to clinically, linguistically and culturally-appropriate behavioral health
62 services, including prevention, early intervention, crisis intervention, screening and treatment,
63 especially for children transitioning to school from other placements, hospitalization or
64 homelessness and children requiring behavioral health services pursuant to special education
65 individual education plans;

66 (iv) academic and non-academic supports that build upon students' strengths, promote
67 success in school, maximize time spent in the classroom and minimize suspensions, expulsions
68 and other removals for students with behavioral health challenges;

69 (v) policies and protocols for referrals to behavioral health services that minimize time
70 out of class, safe and supportive transitions to school, consultation and support for school staff,
71 confidential communication, appropriate reporting of child abuse and neglect pursuant to section
72 51A of chapter 119 and discipline that focuses on reducing suspensions and expulsions and that
73 balances accountability with an understanding of the child's behavioral health needs and trauma;

74 (vi) policies and protocols for a truancy prevention program certification by the
75 department which may include mechanisms to provide technical assistance to school districts and
76 to encourage each school district to adopt and implement a truancy prevention program which
77 meets the certification criteria; and

78 (vii) collaboration with families.

79 (c) Subject to appropriation, each school district, charter school, non-public school,
80 approved private day or residential school and collaborative school shall develop shall
81 implement the safe and supportive schools framework in order to organize, integrate and sustain
82 school and district-wide efforts to create safe and supportive school environments; and
83 coordinate and align student support initiatives.

84 (d) The department shall implement a safe and supportive schools framework self-
85 assessment tool. The self-assessment tool shall be organized according to the elements of the
86 framework established pursuant to subsection (b), and shall be used by schools to: (i) assess their
87 capacity to create and sustain safe and supportive school environments for all students; (ii)
88 identify areas where additional school-based action, efforts, guidance and support are needed in

89 order to create and maintain safe and supportive school environments; and (iii) create action
90 plans to address the areas of need identified by the assessment.

91 The board shall develop procedures for updating, improving or refining the safe and
92 supportive schools framework and the safe and supportive schools self-assessment tool, in
93 consultation with the safe and supportive schools commission established pursuant to subsection
94 (h).

95 (e) Subject to appropriation, each school shall develop and implement an action plan to
96 create and maintain the safe and supportive schools framework. The action plan shall be
97 developed by the school principal, in consultation with the school council established under
98 section 59C of chapter 71, and shall be incorporated into the annual school improvement plan
99 required under section 1I; provided, however, that the district superintendent may approve an
100 alternative process and schedule for developing school action plans. Nothing in this section shall
101 be construed as limiting the ability of the school principal to appoint a team for the purpose of
102 developing the school's action plan; provided, however, that such team shall include a broad
103 representation of the school and local community and the principal shall make every effort to
104 include teachers and other school personnel, parents, students and representatives from
105 community-based agencies and providers.

106 School action plans shall be designed to address the areas of need identified through the
107 use of the self-assessment tool described in subsection (b), and shall include the following: (i)
108 strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a
109 timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for
110 evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may
111 include attendance and graduation rates, bullying incidences, number of student suspensions,
112 expulsions and office referrals, truancy and tardiness rates, time spent on learning and other
113 measures of school success; and (iv) a process and schedule for reviewing the plan annually and
114 updating it at least once every 3 years.

115 (f) Each school district shall include in its 3-year district improvement plan required
116 under section 1I a description of the steps the district will take to support the district-wide
117 implementation of the safe and supportive schools framework and to facilitate regional
118 coordination with behavioral health providers and other community organizations.

119 Each district shall publish on its website all school action plans created under subsection
120 (c) for each school in the district.

121 (g) Subject to appropriation, the department shall facilitate and oversee the state-wide
122 implementation of the safe and supportive schools framework. The department shall: (i) provide
123 technical assistance to schools on using the self-assessment tool and developing school action
124 plans, and to districts on coordinating with community service providers and developing
125 strategies to facilitate the district-wide implementation of the framework; (ii) develop and

126 disseminate model protocols and practices identified in the framework; (iii) establish a safe and
127 supportive schools grant program, subject to appropriation, wherein grantees shall pilot and share
128 with other schools an effective process for developing and implementing school action plans;
129 (iv) update its website to include the framework, the self-assessment tool, best practices and
130 other information related to the implementation of the framework; (v) host regional trainings for
131 schools and districts, subject to appropriation; and (vi) provide administrative support to the safe
132 and supportive schools commission established under subsection (e), subject to appropriation.
133 Nothing in this section shall be construed as limiting the ability of the department to contract
134 with individuals, external partners or other entities to support the functions established under this
135 section; provided, however, that the department shall consider opportunities for education
136 collaboratives or other regional service organizations to coordinate and disseminate training,
137 technical assistance and information to school districts on the implementation of the framework.

138 (h) There shall be a safe and supportive schools commission to collaborate with and
139 advise the department on the state-wide implementation of the framework. The commission shall
140 also support and provide feedback on the statewide implementation of the framework by the
141 department. The commission shall consist of 18 members: 1 of whom shall be the commissioner
142 of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom
143 shall be the secretary of education or a designee; 1 of whom shall be a school superintendent
144 appointed by the Massachusetts Association of School Superintendents; 1 of whom shall be a
145 school committee member appointed by the Massachusetts Association of School Committees; 1
146 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School
147 Administrators' Association and the Massachusetts Elementary School Principals Association; 1
148 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the
149 American Federation of Teachers Massachusetts; 1 of whom shall be a director of special
150 education or director of student support services appointed by the Massachusetts Administrators
151 for Special Education; 1 of whom shall be an executive director of an education collaborative
152 appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a
153 school psychologist appointed by the Massachusetts School Psychologists Association; 1 of
154 whom shall be a school social worker appointed by the Massachusetts Chapter of the National
155 Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance
156 counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a
157 school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an
158 advocate with experience in education, behavioral health and the impact of trauma on learning
159 appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the
160 Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1
161 of whom shall be a student appointed by the Board of Elementary and Secondary Education
162 Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of
163 whom shall be a former member of the behavioral health and public schools task force who
164 participated in the development and statewide evaluation of the self-assessment tool; 1 of whom
165 shall be a former member of the behavioral health and public schools task force with experience

166 implementing the framework; and 1 of whom shall be a representative from a community-based
167 organization that provides services as part of the children's behavioral health initiative and that
168 provides mental health services in schools. The commission shall select a co-chair from among
169 its appointees.

170 The commission shall: (i) investigate and make recommendations to the board on
171 updating, improving and refining the framework and the self-assessment tool as appropriate; (ii)
172 identify strategies for increasing schools' capacity to carry out the administrative functions
173 identified by the behavioral health and public schools task force; (iii) propose steps for
174 improving schools' access to clinically, culturally and linguistically appropriate services; (iv)
175 identify and recommend evidenced-based training programs and professional development for
176 school staff on addressing students' behavioral health and creating safe and supportive learning
177 environments; (v) identify federal funding sources that can be leveraged to support the statewide
178 implementation of the framework; (vi) develop recommendations on best practices for
179 collaboration with families, including families of children with behavioral health needs; and (vii)
180 examine and recommend model approaches for integrating school action plans, required under
181 subsection (e), with school improvement plans and for using the framework to organize other
182 school and district improvement processes.

183 The commission may collect and review data and feedback from schools as they
184 complete the self-assessment tool and develop school action plans, and may convene
185 stakeholders to facilitate solutions to challenges as they arise during the implementation process.
186 The commission may request from the department such information and assistance as may be
187 necessary to complete its work.

188 The commission shall consult with and solicit input from various persons and groups,
189 including, but not limited to: (i) the office of the child advocate; (ii) the department of early
190 education and care; (iii) the department of children and families; (iv) the department of mental
191 health; (v) the department of public health; (vi) the department of youth services; (vii) the
192 department of developmental services; and (viii) any other parties or entities the commission
193 deems appropriate.

194 The commission shall prepare and submit an annual progress report concerning the
195 commission's activities with appropriate recommendations, together with drafts of legislation
196 necessary to carry out such recommendations, if any, on or before December 31 The commission
197 shall meet no less than 4 times annually. The commission shall submit such annual report to the
198 governor and the clerks of the senate and the house of representatives, who shall forward the
199 same to the chairs of the joint committee on education, the chairs of the joint committee on
200 mental health and substance abuse, the chairs of the joint committee on children, families and
201 persons with disabilities, and the chairs of the house and senate committees on ways and means.
202 The first 3 annual reports shall include recommendations regarding: (i) federal funding sources
203 that can be leveraged to support the statewide implementation of the safe and supportive schools

204 framework; (ii) training programs and professional development for school staff on creating safe
205 and supportive learning environments; (iii) improving access to clinically, culturally and
206 linguistically appropriate services; and (iv) addressing the administrative functions necessary to
207 carry out the implementation of the safe and supportive schools framework.

208 .

209 SECTION 6. Chapter 71 of the General Laws is hereby amended by inserting after
210 section 37O the following 3 sections:-

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

213 "Chief of police", the chief of police or the board or officer having control of the police
214 in a city or town.

215 "School resource officer", a duly sworn municipal police officer with all necessary
216 training, up-to-date certificates or a special officer appointed by the chief of police charged with
217 providing law enforcement and security services to elementary and secondary public schools.
218 For the purpose of this section a school resource officer shall be exempt under paragraph (j) of
219 section 10 of chapter 269.

220 (b) The school department of a city or town, a commonwealth charter school, a regional
221 school district or a county agricultural school shall, subject to appropriation, be assigned at least
222 1 school resource officer to serve the city, town, regional school district or county agricultural
223 school. The chief of police, in consultation with the superintendent, shall appoint the school
224 resource officer. In the case of a regional school district or county agriculture school, the chief
225 of police of the city or town where the school lies, in consultation with the superintendent, shall
226 appoint the school resource officer.

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

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

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

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

240 "Approved private day or residential school", a school that accepts, through agreement
241 with a school committee, a child requiring special education pursuant to section 10 of chapter
242 71B.

243 "Charter school", commonwealth charter schools and Horace Mann charter schools
244 established pursuant to section 89.

245 "Collaborative school", a school operated by an educational collaborative established
246 pursuant to section 4E of chapter 40.

247 "Plan", a mental health support plan established pursuant to subsection (b).

248 "School district", the school department of a city or town, a regional school district or a
249 county agricultural school.

250 (b) Each school district, charter school, approved private day or residential school and
251 collaborative school shall develop and adhere to a plan to address the general mental health
252 needs of its students, including their families, teachers and school administrators. Each plan shall
253 also address the potential need for emergency and acute treatment for students, including their
254 families, teachers and school administrators as a result of a tragedy or crisis within the district or
255 school. Before September 1 of each year, each school district, charter school, approved private
256 day or residential school and collaborative school shall review and update its plan to achieve best
257 practices.

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

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

262 "School", any school administered by a school department of a city or town or regional
263 school district, any county agricultural school, any commonwealth charter school or Horace
264 Mann charter school established pursuant to section 89 or any educational collaborative
265 established pursuant to section 4E of chapter 40.

266 "Two-way communication device", a device capable of transmitting, conveying, or
267 routing real-time, two-way voice communications through radio frequency.

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

271 SECTION 7. Said chapter 71 is hereby further amended by adding the following section:-

272 Section 95. (a) The department shall adopt rules to require that all public school districts
273 and commonwealth charter schools provide at least 2 hours of suicide awareness and prevention
274 training every 3 years to all school personnel. Any new hire shall obtain the training within 90
275 days of being hired. The training shall be provided within the framework of existing in-service
276 training programs offered by the department or as part of required professional development
277 activities.

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

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

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

288 SECTION 8. Chapter 111 of the General Laws is hereby amended by adding the
289 following section:-

290 Section 230. The department shall, subject to appropriation, collect, record and analyze
291 data on all suicides in the commonwealth. Data collected for each incident shall include, to the
292 extent possible and with respect to all applicable privacy protection laws, the following: (1) the
293 source of the means of the suicide; (2) the length of time between purchase of the means and the
294 death of the decedent; (3) the relationship of the owner of the means to the decedent; (4) whether
295 the means was legally obtained and owned pursuant to the laws of the commonwealth; (5) any
296 record of past suicide attempts by the decedent; (6) and any record of past mental health
297 treatment of the decedent. Names, addresses or other identifying factors shall not be included.

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

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

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

307 SECTION 9. Chapter 112 of the General Laws is hereby amended by inserting after
308 section 5M the following section:-

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

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

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

322 (iii) the role of firearms, including firearms ownership and access to household firearms,
323 in impacting rates of attempted and completed suicides;

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

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

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

331 SECTION 10. Section 35 of chapter 123 of the General Laws, as appearing in the 2012
332 Official Edition, is hereby amended by adding the following 4 paragraphs:-

333 The court, in its order, shall specify whether such commitment is based upon a finding
334 that the person is an alcoholic, a substance abuser, or both. The court, upon ordering the
335 commitment of a person found to be substance abuser or alcoholic pursuant to this section, shall
336 transmit the person's name and nonclinical identifying information, including the person's Social
337 Security number and date of birth, to the department of criminal justice information services.
338 The court shall notify the person that he or she is prohibited from being issued a firearm

339 identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to
340 sections 131 and 131F of said chapter 140 unless a petition for relief pursuant to this section is
341 subsequently granted.

342 After 5 years from the date of commitment, a person found to be a substance abuser or
343 alcoholic and committed pursuant to this section may file a petition for relief with the court that
344 ordered the commitment requesting that the court restore the person's ability to possess any
345 firearm, rifle or shotgun. The court may grant the relief sought in accordance with the principles
346 of due process if the circumstances regarding the person's disqualifying condition and the
347 person's record and reputation are determined to be such that: (i) the person is not likely to act in
348 a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary
349 to the public interest. In making the determination, the court may consider evidence from a
350 licensed medical doctor or clinical psychologist that the person is no longer suffering from the
351 disease or condition that caused the disability or that the disease or condition has been
352 successfully treated for a period of 3 consecutive years.

353 When the court grants a petition for relief pursuant to this section, the clerk shall
354 immediately forward a copy of the order for relief to the department of criminal justice
355 information services, who shall transmit the order, pursuant to paragraph (h) of section 167A of
356 chapter 6, to the attorney general to be included in the National Instant Criminal Background
357 Check System.

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

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

362 Notwithstanding the preceding paragraph, a court may, pursuant to section 35 and section
363 36C, transmit information contained in court records to the department of criminal justice
364 information services for the purposes of: (i) providing licensing authorities as defined under
365 section 121 of chapter 140 of the General Laws with information required or permitted to be
366 considered under state or federal law for the purpose of conducting background checks for
367 firearm sales or licensing; and (ii) providing the attorney general of the United States with
368 information required or permitted under federal law to be included in the National Instant
369 Criminal Background Check System maintained for the purpose of conducting background
370 checks for firearms sales or licensing; provided, however, the court shall not transmit
371 information solely because a person seeks voluntary treatment or is involuntarily hospitalized for
372 assessment or evaluation purposes. Information transmitted to the department of criminal justice
373 information services pursuant to this section and sections 35 and 36C shall not be considered
374 public records pursuant to section 7 of chapter 4.

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

377 Section 36C. (a) A court that orders the commitment of a person pursuant to section 7, 8,
378 15, 18 or subsections (b) and (c) of section 16, shall transmit the person's name and nonclinical,
379 identifying information, including the person's Social Security number and date of birth to the
380 department of criminal justice information services. The court shall notify the person that he or
381 she is prohibited from being issued a firearm identification card pursuant to section 129B of
382 chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a
383 petition for relief pursuant to subsection (b) is subsequently granted.

384 (b) After 5 years from the date of commitment, a person so committed pursuant to section
385 7, 8, 15, 18 or subsections (b) and (c) may file a petition for relief with the court that ordered the
386 commitment requesting the court to restore the person's ability to possess a firearm. The court
387 may grant the relief sought in accordance with the principles of due process if the circumstances
388 regarding the person's disqualifying condition and the person's record and reputation are
389 determined to be such that: (i) the person is not likely to act in a manner that is dangerous to
390 public safety; and (ii) the granting of relief would not be contrary to the public interest. In
391 making the determination, the court may consider evidence from a licensed medical doctor or
392 clinical psychologist that the person is no longer suffering from the disease or condition that
393 caused the disability or that the disease or condition has been successfully treated for a period of
394 3 consecutive years.

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

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

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

403 The course shall also include, with respect to safe handling of firearms, the program of
404 instruction on harm reduction developed by the division on violence and injury prevention within
405 the department of public health.

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

409 SECTION 15. Section 123 of said chapter 140, as so appearing, is hereby amended by
410 striking out, in lines 37 and 59, the words “Class A”.

411 SECTION 16. Said section 123 of said chapter 140, as so appearing, is hereby further
412 amended by striking out, in lines 40 and 63, the words “Class A or Class B”.

413 SECTION 17. Said section 123 of said chapter 140, as so appearing, is hereby further
414 amended by inserting after the word “height”, in line 127, the following words:- , and further that
415 the licensee shall conspicuously post and distribute at each purchase counter a notice providing
416 information on suicide prevention developed and provided by the division on violence and injury
417 prevention within the department of public health.

418 SECTION 18. Section 128 of said chapter 140, as so appearing, is hereby amended by
419 inserting after the word “sixteenth”, in line 4, the following words :-, seventeenth.

420 SECTION 19. Section 128A of said chapter 140, as so appearing, is hereby amended by
421 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident
422 reports within seven days, in writing to the commissioner of the department of criminal justice
423 information services on forms furnished by said executive director, the names and addresses of
424 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,
425 together with a complete description of the firearm, rifle or shotgun, including its designation as
426 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser’s
427 license to carry firearms number, permit to purchase number and identifying number of such
428 documentation as is used to establish exempt person status in the case of a firearm or the
429 purchaser's license to carry number or firearm identification card number or said document
430 identity number, in the case of a rifle or shotgun”.

431 SECTION 20. Said section 128A of said chapter 140, as so appearing, is hereby amended
432 by adding the following paragraph:-

433 Any sale or transfer conducted pursuant to this section shall comply with section 131E
434 and shall, prior to or at the point of sale, be conducted over a real time web portal developed by
435 the department of criminal justice information services. The department of criminal justice
436 information services shall require each person selling or transferring a firearm, shotgun or rifle
437 pursuant to this section to electronically provide though the portal such information as is
438 determined to be necessary for the purposes of verifying the identification of the seller and
439 purchaser and ensuring that the sale or transfer complies with the provisions of this section.
440 Upon submission of the required information, the portal shall automatically review such
441 information and display a message indicating whether the seller may or may not proceed with the
442 sale or transfer and shall provide any further instructions for the seller as determined to be
443 necessary by the department of criminal justice information services. The department of criminal
444 justice information services shall keep a record of any sale or transfer conducted pursuant to this
445 section and shall provide the seller and purchaser with verification of such sale or transfer.

446 SECTION 21. Section 129B of said chapter 140, as so appearing, is hereby amended by
447 striking out paragraph (1) and inserting in place thereof the following 2 paragraphs:-

448 (1) Any person residing or having a place of business within the jurisdiction of the
449 licensing authority or any person residing in an area of exclusive federal jurisdiction located
450 within a city or town may submit to the licensing authority an application for a firearm
451 identification card, or renewal of the same, which the licensing authority shall issue if it appears
452 that the applicant is not a prohibited person. A prohibited person shall be a person who:

453 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful
454 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:
455 (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years ; (c) a violent
456 crime as defined in section 121; (d) a violation of any law regulating the use, possession,
457 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
458 ammunition for which a term of imprisonment may be imposed; (e) a violation of any law
459 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter
460 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime
461 of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33); provided, however,
462 that except for the commission of a felony, a misdemeanor crime of domestic violence, a violent
463 crime or a crime involving the trafficking of controlled substances, if the applicant has been so
464 convicted or adjudicated or released from confinement, probation or parole supervision for such
465 conviction or adjudication, whichever is last occurring, not less than 5 years immediately
466 preceding such application, such applicant's right or ability to possess a non-large capacity rifle
467 or shotgun shall be deemed restored in the commonwealth with respect to such conviction or
468 adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm
469 identification card;

470 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
471 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable
472 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a
473 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
474 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
475 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled
476 substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under
477 said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18
478 U.S.C. section 921(a)(33); provided, however, that, except for the commission of felony, a
479 misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of
480 weapons or controlled substances, if the applicant has been so convicted or adjudicated or
481 released from confinement, probation or parole supervision for such conviction or adjudication,
482 whichever is last occurring, not less than 5 years immediately preceding such application, and
483 such applicant's right or ability to possess a rifle or shotgun has been fully restored in the

484 jurisdiction wherein the subject conviction or adjudication was entered, such conviction or
485 adjudication shall not disqualify such applicant for a firearm identification card;

486 (iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C
487 of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance
488 abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her
489 application an affidavit of a registered physician attesting that such physician is familiar with the
490 applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the
491 applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that
492 should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an
493 order of a court to any hospital or institution for mental illness, unless the applicant was granted
494 a petition for relief of the court's order pursuant to section 36C of chapter 123 and submits a
495 copy of the order for relief with his or her application; (c) subject to an order of the probate court
496 appointing a guardian or conservator for a incapacitated person on the grounds that that applicant
497 lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was
498 granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the
499 order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and
500 committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition
501 for relief of the court's order pursuant to said section 35 and submits a copy of the order for
502 relief with his or her application;

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

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

507 (vi) is an alien;

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

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

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

516 (x) is a fugitive from justice; or

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

518 (1½) Notwithstanding paragraph (1) to the contrary, the licensing authority may deny the
519 application or renewal of a firearm identification card, or suspend or revoke a card issued under
520 this section, if in the reasonable exercise of discretion, the licensing authority determines that the
521 applicant or card holder is unsuitable to be issued or to continue to hold a firearm identification
522 card. A determination of unsuitability shall be based on: (i) reliable and credible information that
523 the applicant or card holder has exhibited or engaged in behavior that suggests the applicant or
524 card holder could potentially create a risk to public safety if issued a card; or (ii) existing factors
525 that suggest that the applicant or card holder could potentially create a risk to public safety if
526 issued a card. Upon denying an application or renewal of a card based on a determination of
527 unsuitability, the licensing authority shall notify the applicant in a writing setting forth the
528 specific reasons for such determination as set forth in paragraph (3). Upon revoking or
529 suspending a card based on a determination of unsuitability, the licensing authority shall notify
530 the holder of a license in a writing setting forth the specific reasons for such determination as set
531 forth in paragraph (4). The determination of unsuitability shall be subject to judicial review as set
532 forth in paragraph (5).

533 SECTION 22. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is
534 hereby amended by adding the following 2 sentences:- The licensing authority shall provide to
535 the applicant a receipt indicating that it received the applicant's application. The receipt shall be
536 provided to the applicant within 7 days by mail if the application was received by mail, or
537 immediately if the application was made in person; provided, however, that the receipt shall
538 include the applicant's name, the applicant's address, the applicant's current firearm
539 identification card number, if any, the applicant's current card expiration date, if any, the date
540 when the application was received by the licensing authority, the name of the licensing authority
541 and its agent that received the application, the licensing authority's address and telephone
542 number, the type of application, and whether it is an application for a new card or for renewal of
543 an existing card; and provided further, that a copy of the receipt shall be kept by the licensing
544 authority for no less than 1 year and a copy shall be furnished to the applicant if requested by the
545 applicant.

546 SECTION 23. Said section 129B of said chapter 140, as so appearing, is hereby
547 amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

548 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large
549 capacity firearm or large capacity feeding device therefor, except under a license issued to a
550 shooting club as provided under section 131 or under the direct supervision of a holder of a
551 license issued to an individual under said section 131 at an incorporated shooting club or
552 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or
553 large capacity feeding device therefor, except under a license issued to a shooting club as
554 provided under said section 131 or under the direct supervision of a holder of a license issued to
555 an individual under said section 131 at an incorporated shooting club or licensed shooting range.
556 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that

557 is, or in such manner that is, otherwise prohibited by law. A firearm identification card shall be
558 valid for the purpose of purchasing and possessing chemical mace, pepper spray or other
559 similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as
560 otherwise provided herein, a firearm identification card shall not be valid for the use, possession,
561 ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such
562 rifle or shotgun is a large capacity weapon as defined in section 121.

563 SECTION 24. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is
564 hereby amended by striking out the first sentence and inserting in place thereof the following
565 sentence:- A firearm identification card shall be in a standard form provided by the
566 commissioner of the department of criminal justice information services in a size and shape
567 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles
568 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,
569 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and
570 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide
571 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline
572 and the Samaritans Statewide Helpline.

573 SECTION 25. Said section 129B of said chapter 140, as so appearing, is hereby further
574 amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

575 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period
576 of not more than 6 years from the date of issue, except that if the cardholder applied for renewal
577 before the card expired, the card shall remain valid after the expiration date on the card for all
578 lawful purposes, until the application for renewal is approved or denied; provided, however, if
579 the cardholder is on active duty with the armed forces of the United States on the expiration date
580 of his card, the card shall remain valid until the cardholder is released from active duty and for a
581 period not less than 180 days following such release, except that if the cardholder applied for
582 renewal prior to the end of such period, the card shall remain valid after the expiration date on
583 the card for all lawful purposes, until the application for renewal is approved or denied. A card
584 issued on February 29 shall expire on March 1. The commissioner of criminal justice
585 information services shall send electronically or by first class mail to the holder of a firearm
586 identification card, a notice of the expiration of the card not less than 90 days before its
587 expiration, and shall enclose with the notice a form for the renewal of the card. The form for
588 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not
589 lost any firearms or had any firearms stolen from the applicant's possession since the date of the
590 applicant's last renewal or issuance. The commissioner of criminal justice information services
591 shall include in the notice all pertinent information about the penalties that may be imposed if the
592 firearm identification card is not renewed. The commissioner of criminal justice information
593 services shall provide electronic notice of expiration only upon the request of a cardholder. A
594 request for electronic notice of expiration shall be forwarded to the department on a form
595 furnished by the commissioner. Any electronic address maintained by the department for the

596 purpose of providing electronic notice of expiration shall be considered a firearms record and
597 shall not be disclosed except as provided in section 10 of chapter 66.

598 SECTION 26. Said chapter 140 is hereby further amended by striking out section 130, as
599 so appearing, and inserting in place thereof the following 2 sections:-

600 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18
601 years of age or older who does not hold a permit card issued to him pursuant to section 131H or,
602 except as provided in this section or section 131E, whoever sells or furnishes any alien or any
603 person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or
604 furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun or
605 ammunition therefor shall have his license to sell firearms, rifles, shotguns, machine guns or
606 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date
607 of such revocation and shall be punished by a fine of not less than $1,000 nor more than $10,000,
608 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of
609 correction for not more than 2 and 1/2 years, or by both such fine and imprisonment.Section 130
610 1/2. Notwithstanding section 130 or any general or special law to the contrary, it shall be lawful
611 to furnish a weapon to a minor for purposes of hunting, recreation, instruction and participation
612 in shooting sports while under the supervision of a holder of a valid firearm identification card or
613 license to carry appropriate for the weapon in use, provided that the parent or guardian of the
614 minor has granted consent for such activities.

615 SECTION 27. Said section 129B of said chapter 140, as so appearing is hereby further
616 amended by striking out in lines, 195, 218, 219 and 224, the word “clause” and inserting in place
617 thereof, in each instance, the following word:- paragraph.

618 SECTION 28. Said section 129B of said chapter 140, as so appearing, is hereby further
619 amended by striking out, in lines 245 to 248, inclusive, the words “meaning after 90 days beyond
620 the stated expiration date on the card, but who shall not be disqualified from renewal upon
621 application therefor under this section, shall be subject to a civil fine of not less than $500” and
622 inserting in place thereof the following words:- not including licenses that remain valid under
623 paragraph (i) because the licensee applied for renewal before the license expired, but who shall
624 not be disqualified from renewal upon application therefor pursuant to this section, shall be
625 subject to a civil fine of not less than $100.

626 SECTION 29. The third paragraph of section 129C of said chapter 140, as so appearing,
627 is hereby amended by striking out the last sentence and inserting in place thereof the following 2
628 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun
629 or the recovery of any firearm, rifle, shotgun or machine gun, previously reported lost or stolen,
630 to both the commissioner of the department of criminal justice information services and the
631 licensing authority in the city or town where the owner resides shall be punished by a fine of not
632 less than $500 nor more than $1,000 for a first offense, by a fine of not less than $2,500 nor more

633 than $7,500 for a second offense and by a fine of not less than $7,500 nor more than $10,000 or
634 imprisonment for not less than 1 year nor more than 5 years, or by both such fines and
635 imprisonments, for a third or subsequent offense. Failure to so report shall be cause for
636 suspension or permanent revocation of such person's firearm identification card or license to
637 carry firearms, or both.

638 SECTION 30. Said section 129C of said chapter 140, as so appearing, is hereby further
639 amended by striking out the seventh paragraph and inserting in place thereof the following
640 paragraph:-

641 Nothing in this section shall permit the sale or transfer of any large capacity rifle, shotgun
642 or firearm or large capacity feeding device therefor to any person not in possession of a license
643 to carry firearms issued pursuant to section 131.

644 SECTION 31. Section 131 of said chapter 140, as so appearing, is hereby amended by
645 striking out, in lines 1 to 3, inclusive, the words “All licenses to carry firearms shall be
646 designated Class A or Class B, and the issuance and possession of any such license shall be
647 subject to the following conditions and restrictions” and inserting in place thereof the following
648 words:- The issuance and possession of a license to carry firearms shall be subject to the
649 following conditions and restrictions.

650 SECTION 32. Said section 131 of said chapter 140, as so appearing, is hereby further
651 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the
652 following 3 paragraphs:-

653 (a) A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and
654 carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition
655 therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or
656 carrying of firearms as the licensing authority deems proper; and (ii) rifles and shotguns,
657 including large capacity weapons, and feeding devices and ammunition therefor, for all lawful
658 purposes; provided, however, that the licensing authority may impose such restrictions relative to
659 the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A
660 violation of a restriction imposed by the licensing authority under the provisions of this
661 paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be
662 punished by a fine of not less than $1,000 nor more than $10,000; provided, however, that the
663 provisions of section 10 of chapter 269 shall not apply to such violation.

664 (b) The colonel of state police may, after an investigation, grant a license to a club or
665 facility with an on-site shooting range or gallery, which club is incorporated under the laws of
666 the commonwealth for the possession, storage and use of large capacity weapons, ammunition
667 therefor and large capacity feeding devices for use with such weapons on the premises of such
668 club; provided, however, that not less than 1 shareholder of such club shall be qualified and
669 suitable to be issued such license; and provided further, that such large capacity weapons and

670 ammunition feeding devices may be used under such club license only by such members that
671 possess a valid firearm identification card issued under section 129B or a valid license to carry
672 firearms, or by such other persons that the club permits while under the direct supervision of a
673 certified firearms safety instructor or club member who, in the case of a large capacity firearm,
674 possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun,
675 possesses a valid license to carry firearms. Such club shall not permit shooting at targets that
676 depict human figures, human effigies, human silhouettes or any human images thereof, except by
677 public safety personnel performing in line with their official duties.

678 No large capacity weapon or large capacity feeding device shall be removed from the
679 premises except for the purposes of: (i) transferring such firearm or feeding device to a licensed
680 dealer; (ii) transporting such firearm or feeding device to a licensed gunsmith for repair; (iii)
681 target, trap or skeet shooting on the premises of another club incorporated under the laws of the
682 commonwealth and for transporting thereto; (iv) attending an exhibition or educational project or
683 event that is sponsored by, conducted under the supervision of or approved by a public law
684 enforcement agency or a nationally or state recognized entity that promotes proficiency in or
685 education about semiautomatic weapons and for transporting thereto and therefrom; (v) hunting
686 in accordance with the provisions of chapter 131; or (vi) surrendering such firearm or feeding
687 device under the provisions of section 129D. Any large capacity weapon or large capacity
688 feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in
689 use, be secured in a locked container, and shall be unloaded during any lawful transport. The
690 clerk or other corporate officer of such club shall annually file a report with the colonel of state
691 police and the commissioner of the department of criminal justice information services listing all
692 large capacity weapons and large capacity feeding devices owned or possessed under such
693 license. The colonel of state police or a designee, shall have the right to inspect all firearms
694 owned or possessed by such club upon request during regular business hours and said colonel
695 may revoke or suspend a club license for a violation of any provision of this chapter or chapter
696 269 relative to the ownership, use or possession of large capacity weapons or large capacity
697 feeding devices.

698 (c) A license shall be valid for the purpose of owning, possessing, purchasing and
699 transferring non-large capacity rifles and shotguns, and for purchasing and possessing chemical
700 mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
701 incapacitate, consistent with the entitlements conferred by a firearm identification card issued
702 under section 129B.

703 SECTION 33. Said section 131 of said chapter 140, as so appearing, is hereby further
704 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

705 (d) Any person residing or having a place of business within the jurisdiction of the
706 licensing authority or any law enforcement officer employed by the licensing authority or any
707 person residing in an area of exclusive federal jurisdiction located within a city or town may

708 submit to such licensing authority or the colonel of state police, an application for a Class A
709 license to carry firearms, or renewal of the same, which such licensing authority or said colonel
710 may issue if it appears that the applicant is not a prohibited person as hereinafter set forth to be
711 issued such license, and that the applicant has good reason to fear injury to the applicant's person
712 or property, or for any other reason, including the carrying of firearms for use in sport or target
713 practice only, subject to such restrictions expressed or authorized under this section. A prohibited
714 person shall be a person who:

715 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful
716 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:
717 (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years ; (c) a violent
718 crime as defined in section 121; (d) a violation of any law regulating the use, possession,
719 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
720 ammunition for which a term of imprisonment may be imposed; (e) a violation of any law
721 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter
722 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime
723 of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33);

724 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
725 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable
726 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a
727 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
728 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
729 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled
730 substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under
731 said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18
732 U.S.C. section 921(a)(33);

733 (iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C
734 of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance
735 abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her
736 application an affidavit of a registered physician attesting that such physician is familiar with the
737 applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the
738 applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that
739 should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an
740 order of a court to any hospital or institution for mental illness, unless the applicant was granted
741 a petition for relief of the court's order pursuant to section 36C of chapter 123 and submits a
742 copy of the order for relief with his or her application; (c) subject to an order of the probate court
743 appointing a guardian or conservator for a incapacitated person on the grounds that that applicant
744 lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was
745 granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the
746 order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and

747 committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition
748 for relief of the court's order pursuant to said section 35 and submits a copy of the order for
749 relief with his or her application;

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

751 (v) is an alien;

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

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

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

760 (ix) is a fugitive from justice; or

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

762 The licensing authority may deny the application or renewal of a license to carry, or
763 suspend or revoke a license issued under this section, if in the reasonable exercise of discretion,
764 the licensing authority determines that the applicant or licensee is unsuitable to be issued or to
765 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable
766 and credible information that the applicant or licensee has exhibited or engaged in behavior that
767 suggests the applicant or licensee could potentially create a risk to public safety if issued a
768 license; or (ii) existing factors that suggest that the applicant or licensee could potentially create
769 a risk to public safety if issued a license. Upon denying an application or renewal of a license
770 based on a determination of unsuitability, the licensing authority shall notify the applicant in a
771 writing setting forth the specific reasons for such determination as set forth in paragraph (e).
772 Upon revoking or suspending a license based on a determination of unsuitability, the licensing
773 authority shall notify the holder of a license in a writing setting forth the specific reasons for
774 such determination as set forth in paragraph (f). The determination of unsuitability shall be
775 subject to judicial review as set forth in paragraph (f).

776 SECTION 34. Paragraph (d) of said section 131 of said chapter 140, as amended by
777 section 32, is hereby further amended by striking out the first sentence and inserting in place
778 thereof the following sentence:- Any person residing or having a place of business within the
779 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing
780 authority or any person residing in an area of exclusive federal jurisdiction located within a city
781 or town may submit to such licensing authority or the colonel of state police, an application for a

782 license to carry firearms, or renewal of the same, which such licensing authority or said colonel
783 may issue if it appears that the applicant is not a prohibited person as hereinafter set forth to be
784 issued such license, and that the applicant has good reason to fear injury to the applicant's person
785 or property, or for any other reason, including the carrying of firearms for use in sport or target
786 practice only, subject to such restrictions expressed or authorized under this section.

787 SECTION 35. Paragraph (e) of said section 131 of said chapter 140, as appearing in the
788 2012 Official Edition, is hereby amended by adding the following paragraph:-

789 The licensing authority shall provide to the applicant a receipt indicating that it received
790 the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if
791 the application was received by mail, or immediately if the application was made in person;
792 provided further, that the receipt shall include the applicants' name, the applicant's address, the
793 applicant's current license number, if any, the applicant's current license expiration date if any,
794 the date when the application was received by the licensing authority, the name of the licensing
795 authority and its agent that received the application, the licensing authority's address and
796 telephone number, the type of application, and whether it is an application for a new license or
797 for renewal of an existing license; provided further, that a copy of the receipt shall be kept by the
798 licensing authority for no less than 1 year and a copy shall be furnished to the applicant if
799 requested by said applicant.

800 SECTION 36. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is
801 hereby amended by striking out the second paragraph and inserting in place thereof the following
802 paragraph:-

803 Any applicant or holder aggrieved by a denial, revocation, suspension or any restriction
804 placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,
805 within either 90 days after receiving notice of such denial, revocation or suspension or within 90
806 days after the expiration of the time limit during which the licensing authority is required to
807 respond to the applicant or, in the case of a restriction, anytime after a restriction is placed on a
808 license pursuant to this section, file a petition to obtain judicial review in the district court having
809 jurisdiction in the city or town wherein the applicant filed for, or was issued, such license. A
810 justice of such court, after a hearing, may direct that a license be issued or reinstated to the
811 petitioner or may order the licensing authority to remove certain restrictions placed on the
812 license, if such justice finds that there was no reasonable ground for denying, suspending,
813 revoking or restricting such license and that the petitioner is not prohibited by law from
814 possessing a license.

815 SECTION 37. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is
816 hereby amended by striking out the first and second sentences and inserting in place thereof the
817 following 2 sentences:- A license shall be in a standard form provided by the commissioner of
818 criminal justice information services in a size and shape equivalent to that of a license to operate

819 motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and
820 shall contain a license number which shall clearly indicate the name, address, photograph,
821 fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the
822 licensee. Such license shall be clearly marked “License to Carry Firearms”.

823 SECTION 38. Said paragraph (g) of said section 131 of said chapter 140, as so appearing,
824 is hereby further amended by inserting after the second sentence the following sentence:- Such
825 license shall provide in a legible font size and style the phone numbers for the National Suicide
826 Prevention Lifeline and the Samaritans Statewide Helpline.

827 SECTION 39. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is
828 hereby amended by striking out the first sentence and inserting in place thereof the following
829 sentence:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for
830 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the
831 licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of
832 issue, except that if the licensee applied for renewal before the license expired, the license shall
833 remain valid after the expiration date on the license for all lawful purposes, until the application
834 for renewal is approved or denied; provided, however, if the licensee is on active duty with the
835 armed forces of the United States on the expiration date of his license, the license shall remain
836 valid until the licensee is released from active duty and for a period not less than 180 days
837 following such release, except that if the licensee applied for renewal prior to the end of such
838 period, the license shall remain valid after the expiration date on the license for all lawful
839 purposes, until the application for renewal is approved or denied; and provided further, an
840 application for renewal of a Class B license filed before the license is expired shall not extend
841 the license beyond the stated expiration date and such Class B license shall expire on the
842 anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6
843 years from the date of issue.

844 SECTION 40. Said paragraph (i) of said section 131 of said chapter 140 is hereby further
845 amended by striking out the first sentence, as amended by section 38, and inserting in place
846 thereof the following sentence:-

847 A license to carry or possess firearms shall be valid, unless revoked or suspended, for a
848 period of not more than 6 years from the date of issue and shall expire on the anniversary of the
849 licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of
850 issue, except that if the licensee applied for renewal before the license expired, the license shall
851 remain valid after the expiration date on the license for all lawful purposes, until the application
852 for renewal is approved or denied; provided, however, if the licensee is on active duty with the
853 armed forces of the United States on the expiration date of his license, the license shall remain
854 valid until the licensee is released from active duty and for a period not less than 180 days
855 following such release, except that if the licensee applied for renewal prior to the end of such

856 period, the license shall remain valid after the expiration date on the license for all lawful
857 purposes, until the application for renewal is approved or denied.

858 SECTION 41. Paragraph (l) of said section 131 of said chapter 140, as appearing in the
859 2012 Official Edition, is hereby amended by inserting after the first sentence the following
860 sentence:- The form for renewal shall include an affidavit whereby the applicant shall verify that
861 the applicant has not lost any firearms or had any firearms stolen from the applicant's possession
862 since the date of the applicant's last renewal or issuance.

863 SECTION 42. Said section 131 of said chapter 140, as so appearing, is hereby further
864 amended by striking out, in line 317 to 320, inclusive, the words "meaning after 90 days beyond
865 the stated expiration date on the license, but who shall not be disqualified from renewal upon
866 application therefor under this section, shall be subject to a civil fine of not less than $500" and
867 inserting in place thereof the following words:- not including licenses that remain valid under
868 paragraph (i) because the licensee applied for renewal before the license expired, but who shall
869 not be disqualified from renewal upon application therefor pursuant to this section, shall be
870 subject to a civil fine of not less than $100.

871 SECTION 43. Section 131¾ of said chapter 140, as so appearing, is hereby amended by
872 inserting after the figure "131½, in line 3, the words:- and in consultation with the attorney
873 general.

874 SECTION 44. Said section 131¾ of said chapter 140, as so appearing, is hereby further
875 amended by inserting after the word "board", in line 14, the words:- or the attorney general.

876 SECTION 45. Said chapter 140 is hereby further amended by striking out section 131C,
877 as so appearing, and inserting in place thereof the following section:-

878 Section 131C. (a) No person carrying a loaded firearm under a license issued pursuant to
879 section 131 or 131F shall carry the same in a vehicle unless the firearm while carried therein is
880 under the direct control of such person. Whoever violates the provisions of this subsection shall
881 be punished by a fine of $500.

882 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant
883 to section 131 or 131F shall possess the same in a vehicle unless such weapon is unloaded and
884 contained within the locked trunk of such vehicle or in a locked case or other secure container.
885 Whoever violates the provisions of this subsection shall be punished by a fine of not less than
886 $500 nor more than $5,000.

887 (c) The provisions of this section shall not apply to: (i) any officer, agent or employee of
888 the commonwealth or any state or the United States; (ii) any member of the military or other
889 service of any state or of the United States; (iii) any duly authorized law enforcement officer,
890 agent or employee of any municipality of the commonwealth; provided, however, that any such

891 person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry
892 or possess the weapon so carried or possessed and is acting within the scope of his or her duties.

893 (d) A conviction of a violation of this section shall be reported forthwith by the court or
894 magistrate to the licensing authority who shall immediately revoke the card or license of the
895 person so convicted. No new such card or license may be issued to any such person until 1 year
896 after the date of revocation.

897 SECTION 46. Said chapter 140 is hereby further amended by striking out section 131E,
898 as so appearing, and inserting in place thereof the following section:-

899 Section 131E. Any resident of the commonwealth may purchase firearms, rifles, shotguns
900 and ammunition feeding devices from any dealer licensed pursuant to section 122, or from such
901 person as shall be qualified pursuant to section 128A, or ammunition from a licensee under
902 section 122B, subject to the following conditions and restrictions:

903 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon
904 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid
905 license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status
906 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity
907 feeding devices therefor may be so purchased only upon presentment of a license to carry
908 firearms issued pursuant to said section 131; and provided further, that no rifle or shotgun or
909 ammunition or ammunition feeding device therefor shall be sold to any person less than 18 years
910 of age; and provided further, that no large capacity rifle or shotgun or large capacity feeding
911 device therefor shall be sold to any person less than 21 years of age;

912 (b) firearms and feeding devices therefor, including large capacity firearms and large
913 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid
914 license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card
915 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;
916 provided, however, that neither a firearm identification card issued pursuant to section 129B, nor
917 proof of exempt status under section 129C, shall be valid for the purpose of purchasing any
918 firearm or ammunition feeding device therefor, including large capacity firearms and large
919 capacity feeding devices therefor, without being presented together with a valid and proper
920 permit to purchase issued under section 131A; and provided, further, that an alien permit to
921 possess a rifle or shotgun shall not be valid for the purpose of purchasing firearms or ammunition
922 or ammunition feeding devices therefor; and provided, further, that no firearm or ammunition or
923 ammunition feeding device therefor shall be sold to any person less than 21 years of age. Any
924 person who uses a license to carry firearms or firearm identification card for the purpose of
925 purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to
926 an unlicensed person, shall be punished by a fine of not less than $1,000 nor more than $50,000
927 dollars, or by imprisonment for not less than 2 one-half years nor more than 10 years in a state

928 prison, or by both such fine and imprisonment. A conviction of a violation of this section shall be
929 reported forthwith by the court to the licensing authority which issued the license or firearm
930 identification card, which shall immediately revoke the license or firearm identification card of
931 such person. No new license or firearm identification card pursuant to section 129B or section
932 131 shall be issued to any such person within 2 years after the date of said revocation.

933 SECTION 47. Section 131F of said chapter 140, as so appearing, is hereby amended by
934 striking out, in line 1, the words "Class A or Class B".

935 SECTION 48. The first paragraph of said section 131F of said chapter 140, as so
936 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the
937 following clause:-

938 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful
939 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable
940 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a
941 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
942 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
943 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled
944 substances as defined in section 1 of chapter 94C; or (f) a misdemeanor crime of domestic
945 violence as that term is defined in 18 U.S.C. section 921(a)(33).

946 SECTION 49. Said section 131F of said chapter 140, as so appearing is hereby further
947 amended by striking out, in lines 36 to 38, inclusive, the words "or (v) is currently the subject of
948 an outstanding arrest warrant in any state or federal jurisdiction" and inserting in place thereof
949 the following words:-

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

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

954 (vii) is a fugitive from justice;

955 (viii) having been a citizen of the United States, has renounced his or her citizenship;

956 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the
957 United States; or

958 (x) not being a citizen or national of the United States, has been admitted to the United
959 States under a nonimmigrant visa, as that term is defined in 8 U.S.C. section 1101(a)(26), unless
960 the person is admitted to the United States for lawful hunting or sporting purposes or is in

961 possession of a hunting license or permit lawfully issued in the United States or another
962 exception set forth in 18 U.S.C. section 922(y)(2) applies.

963 SECTION 50. The fourth paragraph of said section 131F of said chapter 140, as so
964 appearing, is hereby amended by striking out the first and second sentences and inserting in place
965 thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be
966 clearly marked "Temporary License to Carry Firearms" and shall not be used to purchase
967 firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large
968 capacity feeding device therefor may be carried if the person has been issued a license. The
969 colonel may permit a licensee to possess large capacity rifles or shotguns or both, provided that
970 such entitlement shall be clearly indicated on the license.

971 SECTION 51. Section 131L of said chapter 140, as so appearing is hereby amended by
972 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3
973 subsections:-

974 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun
975 that is not a large capacity weapon, by a fine of not less than $1000 nor more than $7,500 or by
976 imprisonment for not more than 1 and one-half years, or by both fine and imprisonment, and in
977 the case of a large capacity weapon or machine gun, by a fine of not less than $2,000 nor more
978 than $15,000 or by imprisonment for not less than 1 and one-half years nor more than 12 years,
979 or by both fine and imprisonment.

980 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is
981 not a large capacity weapon and such weapon was stored or kept in a place where a person under
982 the age of 18 who does not possess a valid firearm identification card issued under section 129B
983 may have access without committing an unforeseeable trespass, by a fine of not less than $2,500
984 nor more than $15,000 or by imprisonment for not less than 1 and one-half years nor more than
985 12 years, or by both fine and imprisonment.

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

991 SECTION 52. Section 131P of said chapter 140, as so appearing, is hereby amended by
992 striking out, in lines 2 and 66, the words "Class A or Class B".

993 SECTION 53. Section 131P of said chapter 140, as so appearing, is hereby further
994 amended by adding the following subsection:-

995 (f) The colonel of the state police shall produce and distribute public service
996 announcements throughout the commonwealth for the purpose of encouraging and educating the
997 general public on:

998 (i) the safe storage and transportation of weapons as required under sections 131C and
999 131L;

1000 (ii) the importance of firearm safety education and training, including information on
1001 places and classes that people may attend to obtain firearm safety education and training.

1002 SECTION 54. Said chapter 140 is hereby further amended by inserting after section 131P
1003 the following section:-

1004 Section 131Q. Any firearm, rifle or shotgun, large capacity weapon, machine gun or
1005 assault weapon used to carry out a criminal act shall be traced by the licensing authority for the
1006 city or town in which the crime took place. The licensing authority shall report to the criminal
1007 firearms and trafficking unit within the division of investigation and intelligence in the
1008 department of state police, including but not limited to, the following data:

1009 (i) the make, model, serial number and caliber of the weapon used;

1010 (ii) the type of crime committed;

1011 (iii) whether an arrest or conviction is made;

1012 (iv) any fingerprint evidence found on the firearm;

1013 (v) any ballistic evidence that can be retrieved from the crime scene;

1014 (vi) if the criminal use of the firearm was related to known gang activity;

1015 (vii) whether the weapon was obtained illegally;

1016 (viii) the source from where the weapon was obtained;

1017 (ix) whether the weapon was lost or stolen; and

1018 (x) whether the person using the weapon was otherwise a prohibited person.

1019 From these data, the colonel of state police shall produce an annual report on or before
1020 December 31 of each year on crimes committed in the commonwealth using firearms, rifles or
1021 shotguns, large capacity weapons, machine guns or assault weapons and shall submit a copy of
1022 such report to the joint committee on public safety and homeland security, and upon request, to
1023 criminology, public policy and public health researchers and other law enforcement agencies.

1024 SECTION 55. Section 3C of chapter 209A of the General Laws, as appearing in the 2012
1025 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,
1026 including a Class A or Class B license,”.

1027 SECTION 56. Said chapter 209A is hereby further amended by inserting after section 3C
1028 the following section:-

1029 Section 3D. Upon an order for suspension or surrender issued pursuant to section 3B or
1030 3C, the court shall transmit a report containing the defendant’s name and identifying information
1031 and a statement specifying and describing the defendant’s alleged conduct and relationship to the
1032 plaintiff, to the department of criminal justice information services. Upon the expiration,
1033 cancelation or revocation of such an order, the court shall transmit a report containing the
1034 defendant’s name and identifying information, a statement specifying and describing the
1035 defendant’s alleged conduct and relationship to the plaintiff and an explanation that the order is
1036 no longer current or valid, to the department of criminal justice information services who shall
1037 transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney
1038 general to be included in the National Instant Criminal Background Check System.

1039 SECTION 57. Chapter 215 of the General Laws is hereby amended by inserting after
1040 section 56B the following section:-

1041 Section 56C. (a) Notwithstanding any general or special law or court order, including an
1042 order of impoundment, to the contrary, the administrative office of the trial court shall transmit
1043 any order of the probate court appointing a guardian or conservator for an incapacitated person
1044 under Part 3 or Part 4 of Article V of chapter 190B on the ground that the person lacks mental
1045 capacity to contract or manage his or her own affairs, and any subsequent order terminating or
1046 rescinding such appointment, to the department of criminal justice information services for the
1047 purposes of providing: (i) licensing authorities as defined under section 121 of chapter 140 with
1048 information required or permitted to be considered under state and federal law for the purpose of
1049 conducting background checks for firearm sales or licensing; and (ii) the Attorney General of the
1050 United States with information required or permitted under federal law to be included in the
1051 National Instance Criminal Background Check System maintained for the purpose of conducting
1052 background checks for firearms sales or licensing. The department of criminal justice
1053 information services shall transmit no more information than is necessary for the purpose stated
1054 above, and such information shall not be considered a public record under section 7 of chapter 4
1055 and section 10 of chapter 66.

1056 (b) A person found to lack the mental capacity to contract or manage his or her own
1057 affairs may, after 5 years from the date of such finding, file a petition for relief with the probate
1058 court that ordered the commitment requesting the court to restore the person’s ability to possess a
1059 firearm. The court may grant the relief sought in accordance with the principles of due process if
1060 the circumstances regarding the person's disqualifying condition and the person's record and

1061 reputation are determined to be such that: (i) the person is not likely to act in a manner that is
1062 dangerous to public safety; and (ii) the granting of relief would not be contrary to the public
1063 interest. In making the determination, the court may consider evidence from a licensed medical
1064 doctor or clinical psychologist that the person is no longer suffering from the disease or
1065 condition that caused the incapacity or that the disease or condition has been successfully treated
1066 for a period of 3 consecutive years. Upon the granting of a petition for relief, the administrative
1067 office of the trial court shall immediately forward a copy of the order for relief to the department
1068 of criminal justice information services for the purposes listed in subsection (a).

1069 SECTION 58. Chapter 265 of the General Laws is hereby amended by inserting after
1070 section 13M the following section:-

1071 Section 13N. Upon entry of a conviction for any misdemeanor offense that has an
1072 element the use or attempted use of physical force, or the threatened use of a deadly weapon, the
1073 court shall determine whether the victim or intended victim was a family or household member
1074 of the defendant, as defined in section 1 of chapter 209A. If the victim or intended victim was a
1075 family or household member of the defendant, the court shall enter the offense, the chapter,
1076 section and subsection, if any, of the offense, and the relationship of the defendant to the victim
1077 upon the records, and this entry shall be forwarded to the department of criminal justice
1078 information services for inclusion in the criminal justice information system and for the purpose
1079 of providing the Attorney General of the United States with information required or permitted
1080 under federal law to be included in the National Instant Criminal Background Check System or
1081 any successor system maintained for the purpose of conducting background checks for firearm
1082 sales or licensing.

1083 SECTION 59. Section 21A of said chapter 265, as appearing in the 2012 Official Edition,
1084 is hereby amended by striking out the last sentence and inserting in place thereof the following
1085 sentence:- Whoever commits any offense described in this section while being armed with a
1086 firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the
1087 state prison for not less than 7 years.

1088 SECTION 60. Section 17 of chapter 266 of the General Laws, as so appearing, is hereby
1089 amended by striking out the last sentence and inserting in place thereof the following sentence:-
1090 Whoever commits any offense described in this section while armed with a firearm, rifle,
1091 shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison
1092 for not less than 7 years or in the house of correction for not less than 2 years nor more than 2
1093 and one-half years.

1094 SECTION 61. Section 18 of said chapter 266, as so appearing, is hereby amended by
1095 striking out the last sentence and inserting in place thereof the following sentence:- Whoever
1096 commits any offense described in this section while armed with a firearm, rifle, shotgun,
1097 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less

1098 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more
1099 than 2 and one-half years.

1100 SECTION 62. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
1101 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1102 (j) For the purpose of this paragraph, “firearm” shall mean any pistol, revolver, rifle or
1103 smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

1104 Whoever, not being a law enforcement officer, and notwithstanding any license obtained
1105 by him or her pursuant to the provisions of chapter 140, carries on his or her person a firearm as
1106 hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the
1107 grounds of any elementary or secondary school, college or university without the written
1108 authorization of the board or officer in charge of such elementary or secondary school, college or
1109 university shall be punished by a fine of not more than $1,000 or by imprisonment for not more
1110 than 2 years, or both. A law enforcement officer may arrest, without a warrant, and detain a
1111 person found carrying a firearm in violation of this paragraph.

1112 Any officer in charge of an elementary or secondary school, college or university or any
1113 faculty member or administrative officer of an elementary or secondary school, college or
1114 university failing to report violations of this paragraph shall be guilty of a misdemeanor and
1115 punished by a fine of not more than $500.

1116 SECTION 63. Said section 10 of said chapter 269, as so appearing, is hereby further
1117 amended by striking out, in line 188, the following words “Class A or Class B”.

1118 SECTION 64.Said chapter 269 is hereby further amended by inserting after section 10H
1119 the following section:-

1120 Section 10I. (a) Whoever unlawfully transports firearms into the commonwealth to use
1121 said firearm for the commission of criminal activity shall be punished by a term of imprisonment
1122 of not less than 5 years nor more than 10 years in the state prison.

1123 (b) Whoever unlawfully transports firearms into the commonwealth to unlawfully
1124 distribute, sell, or transfer possession of any quantity of firearms to a prohibited person shall be
1125 punished by a term of imprisonment of not less than 10 years nor more than 20 years in the state
1126 prison.

1127 (c) Whoever unlawfully transports a firearm into the commonwealth to unlawfully
1128 distribute, sell, or transfer it to a prohibited person, and if such firearm is subsequently used to
1129 cause the death of another, shall be punished by a term of not less than 20 years in the state
1130 prison.

1131 SECTION 65. (a) For purposes of this section, the following terms shall have the
1132 following meanings:-

1133 "Adjudicated as a mental defective", a determination by a court, board, commission or
1134 other lawful authority that a person, as a result of marked subnormal intelligence, or mental
1135 illness, incompetency, condition or disease: (i) is a danger to himself or to others; or (ii) lacks the
1136 mental capacity to contract or manage his or her own affairs. The term shall include: (i) a finding
1137 of insanity by a court in a criminal case; (ii) a finding that a person is incompetent to stand trial;
1138 (iii) a finding of not guilty by reason of lack of mental responsibility pursuant to article 50a of
1139 the Uniform Code of Military Justice, codified as 10 U.S.C. section 850a; or (iv) a finding of not
1140 guilty by reason lack of mental capacity or mental responsibility pursuant to article 76b of the
1141 Uniform Code of Military Justice, codified as 10 U.S.C. section 876b.

1142 "Committed to a mental institution", a formal commitment of a person to a mental
1143 institution by a court, board, commission or other lawful authority. The term includes a
1144 commitment to a mental institution involuntarily. The term includes commitment for mental
1145 defectiveness or mental illness. It also includes commitments for other reasons, such as for drug
1146 use. The term does not include a person in a mental institution for observation or a voluntary
1147 admission to a mental institution.

1148 (b) Notwithstanding section 36 of chapter 123 of the General Laws, for the purpose of
1149 providing licensing authorities as defined in section 121 of chapter 140 of the General Laws with
1150 information required or permitted to be considered pursuant to state law for the purpose of
1151 conducting background checks for firearms sales or licensing and providing the Attorney
1152 General of the United States with information required or permitted under federal law to be
1153 included in the National Instant Criminal Background Check System maintained for the purpose
1154 of conducting background checks for firearms sales or licensing the department of mental health
1155 shall, within 180 days of the effective date of this section, transmit to the department of criminal
1156 justice information services sufficient information to identify all persons known to the
1157 department of mental health to have been, within 20 years preceding the effective date of this
1158 section: (i) committed to a mental institution, including a commitment for mental illness pursuant
1159 to section 7, 8, 15 or 18 or subsections (b) and (c) of section 16 of chapter 123 of the General
1160 Laws or a commitment for substance abuse or alcoholism pursuant to section 35 of said chapter
1161 123; or (ii) adjudicated as a mental defective.

1162 (c) The department of criminal justice information services shall provide no more
1163 information than is necessary for the purpose of subsection (b) and such information shall not be
1164 considered a public record under section 7 of chapter 4 of the General Laws.

1165 SECTION 66. Notwithstanding any general or special law to the contrary, a person
1166 licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of
1167 the effective date of this section, obtain from the department of criminal justice information

1168 services all available criminal offender record information, as that term is defined in section 67
1169 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of
1170 section 172 of said chapter 6, for current employees to determine the continued suitability of
1171 employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

1172 SECTION 67. There shall be a special commission established pursuant to section 2A of
1173 chapter 4 of the General Laws to consist of: 2 members of the house of representatives, 1 of
1174 whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be
1175 appointed by the minority leader; the secretary of education, who shall serve as chairperson; the
1176 commissioner of elementary and secondary education, or a designee; the commissioner of early
1177 education and care, or a designee; the secretary of the executive office of public safety and
1178 security, or a designee; and 5 persons to be appointed by the governor, 1 of whom shall be a
1179 superintendent of a public school district in the commonwealth, 1 of whom shall be the principal
1180 of a public school in the commonwealth, 1 of whom shall be a school resource officer of a public
1181 school within the commonwealth and 2 of whom shall be parents a child attending a public
1182 school in the commonwealth for the purpose of making an investigation and study relative to the
1183 protocols, methods and practices included in and used in the development of: (i) medical
1184 emergency response plans under section 8A of chapter 69 of the General Laws; and (ii) multi-
1185 hazard evacuation plans under section 363 of chapter 159 of the acts of 2000. The committee
1186 shall study and assess the effect a medical emergency response plan and a multi-hazard
1187 evacuation plan would have in the event of school shooting. The commission shall study and
1188 determine common protocols, methods and practices included in and used by districts in the
1189 development of medical emergency response plans and multi-hazard evacuation plans and make
1190 recommendations relative to the development of standardized protocols and methods and best
1191 practices for school districts to consider or satisfy in the adoption of each plan. The commission
1192 shall study the efficacy of legislation requiring all districts to implement standardized protocols,
1193 methods and practices, including those based on the model medical emergency response plan
1194 developed by the department of elementary and secondary education pursuant to subsection (c)
1195 of said section 8A of said chapter 69. The committee shall make any recommendations for the
1196 development of a process for review and annual assessment to ensure each school district's
1197 medical emergency response plan complies with said section 8A of said chapter 69 of the
1198 General Laws and each school district's multi-hazard evacuation plan complies with section 363
1199 of chapter 159 of the acts of 2000.

1200 Notwithstanding said section 2A of said chapter 4, the commission shall report the results
1201 of its investigation and study, together with drafts of legislation, if any, necessary to carry its
1202 recommendations into effect, by filing the report with the clerks of the house of representatives
1203 and senate on or before July 31, 2015.

1204 SECTION 68. There shall be a special commission established pursuant to section 2A of
1205 chapter 4 of the General Laws to consist of: 2 members of the house of representatives, 1 of
1206 whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be

1207 appointed by the minority leader; the commissioner of elementary and secondary education, who
1208 shall serve as chairperson; the commissioner of early education and care or a designee; the
1209 commissioner of mental health or a designee; the commissioner of developmental services or a
1210 designee; the commissioner of public health or a designee; the commissioner of children and
1211 families or a designee; the commissioner of transitional assistance or a designee; the
1212 commissioner of youth services or a designee; the child advocate or a designee; and 2 persons to
1213 be appointed by the governor. The commission shall study and report on mental, emotional and
1214 behavioral health in public schools. The commission shall research and assess current health
1215 services provided in public schools throughout the commonwealth to treat students with
1216 emotional, mental and behavioral health needs. The commission shall develop recommendations
1217 for improving, supplementing and bolstering current mental health services and practices to
1218 achieve the optimal, safe learning environment for students throughout the commonwealth.

1219 Notwithstanding said section 2A of said chapter 4, the commission shall report the results
1220 of its study, together with drafts of legislation, if any, necessary to carry its recommendations
1221 into effect, by filing the report with the clerks of the house of representatives and senate on or
1222 before July 31, 2015.

1223 SECTION 69. There is hereby established a task force to consist of: the secretary of the
1224 executive office of public safety and security or a designee; the commissioner of public health or
1225 a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person selected by the
1226 Massachusetts Chiefs of Police Association; 1 person selected by the committee for public
1227 counsel services; 1 person selected by the National Alliance on Mental Illness of Massachusetts,
1228 Inc.; and 1 person appointed by the Massachusetts District Attorneys Association.

1229 The task force shall study and report on suitable and feasible options for the safekeeping
1230 of a distressed person's firearms in a location away from the household, by his or her relations or
1231 community nongovernmental organizations including, but not limited to, legal protections for:
1232 (1) private citizens acting as good samaritans, who are of direct relation to the distressed person
1233 by family or affection; (2) turn-in and temporary storage of a distressed person's firearm by a
1234 licensed gun store or gun club; (3) and turn-in and temporary storage of a distressed person's
1235 firearm by any other type of organization or facility under registration as a firearms safe harbor.

1236 The task force shall be provided with quarters in the state house or elsewhere and may: (i)
1237 expend for expenses and for expert, legal, clerical and other assistance such sums as may be
1238 appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or
1239 executive meetings of the task force shall be open to the public unless a majority of the members
1240 of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk
1241 of either branch, and the notice or a copy thereof shall be publicly posted in the office of such
1242 clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

1243 The task force shall report the results of its study, together with drafts of legislation, if
1244 any, necessary to carry its recommendations into effect, by filing the report with the clerks of the
1245 house of representatives and senate on or before July 31, 2015. The clerks of the house of
1246 representatives and senate shall forward the report to the chairs of the joint committee on public
1247 safety and the chairs of the joint committee on mental health and substance abuse.

1248 SECTION 70. Notwithstanding any general or special law to the contrary, a licensing
1249 authority, as that term is defined in section 121 of chapter 140 of the General Laws, or the
1250 colonel of the state police appointed pursuant to section 3 of chapter 22C of the General Laws,
1251 shall not issue, or renew or accept application for a Class B license to carry pursuant to section
1252 131 or 131F of said chapter 140 as of the effective date of this section; provided, however, that
1253 any Class B license issued pursuant to said section 131 or 131F of said chapter 140 prior to the
1254 effective date of this section shall remain in effect, subject to any restrictions or conditions set
1255 forth in any general or special law, until the date on which said Class B license is set to expire or
1256 July 31, 2020, whichever occurs first; and provided further, any application for renewal of a
1257 Class B license pursuant to said section 131 of said chapter 140 filed after the effective date of
1258 this section shall not extend the license beyond the stated expiration date pursuant to said section
1259 131 of said chapter 140 and such Class B license shall expire on the anniversary of the licensee's
1260 date of birth occurring not less than 5 years but not more than 6 years from the date of issue or
1261 January 1, 2021 whichever occurs first.

1262 SECTION 71. An application for a firearm identification card, or renewal thereof,
1263 submitted pursuant to section 129B of chapter 140 of the General Laws or a license to carry, or
1264 renewal thereof, submitted pursuant to section 131 of said chapter 140 with a licensing authority,
1265 as that term is defined in section 121 of said chapter 140, or the colonel of state police appointed
1266 pursuant to section 3 of chapter 22C of the General Laws, on or before the effective date of this
1267 section, that is not approved or denied on or before January 1, 2015 shall be invalid; provided,
1268 however, an applicant who submitted an application invalidated pursuant to this section shall not
1269 be charged a fee for submitting a new application or renewal pursuant to said section 129B of
1270 said chapter 140 or said section 131 of said chapter 140 on or before January 1, 2016. The
1271 executive office of public safety and security shall provide, either by mail or electronic means,
1272 written proof that such applicant submitted an application invalidated by this section and may
1273 promulgate rules and regulations necessary to carry out this section.

1274 SECTION 72. The department of public health shall direct the division on violence and
1275 injury prevention to develop a program of instruction on harm reduction, which shall be included
1276 in the curriculum of hunter education courses as provided in section 14 of chapter 131 of the
1277 General Laws. The program shall be developed on or before November 14, 2014.

1278 The purpose of the program shall be to promote suicide prevention through safe practices
1279 by firearms owners. The program shall include, but shall not be limited to, information on the
1280 following: (i) the prevalence of firearms suicide as compared to other forms of firearms violence,

1281 including demographic trends; (ii) the risks of injury and suicide that may be associated with
1282 household firearms, to include the rate of survival for suicide attempts by firearm; (iii) best
1283 practices for identifying and reducing the risk of suicide involving household firearms; (iv)
1284 available resources to learn more about safe practices and suicide prevention; and (v) additional
1285 information determined by the commissioner to be relevant to the purpose of the program.

1286 The department shall further direct the division to develop a notice providing information
1287 on suicide prevention, which shall be posted and distributed in accordance with clause the
1288 fourteenth of section 123 of chapter 140 of the General Laws. Such notice shall be developed on
1289 or before December 3, 2014 and shall include, but not be limited to, the following: information
1290 on signs and symptoms of depression, the state and federal suicide prevention hotlines and
1291 resources for an individual at risk of suicide.

1292 SECTION 73. Subsections (b) to (f), inclusive, of section 1P of chapter 69 of the General
1293 Laws shall take effect on June 30, 2016.

1294 SECTION 74. The department of elementary and secondary education shall begin
1295 providing technical assistance required under subsection (g) of section 1P of chapter 69 of the
1296 General Laws on or before September 1, 2014.

1297 SECTION 75. The safe and supportive schools commission established under subsection
1298 (h) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not more than
1299 90 days after the effective date of this act.

1300 SECTION 76. On or before December 3, 2014, the department of elementary and
1301 secondary education shall adopt rules and regulations pursuant to section 95 of chapter 71 of the
1302 General Laws, added by section 7, requiring that all public school districts provide suicide
1303 awareness and prevention training. School personnel hired after the effective date of this section
1304 but before December 3, 2014 shall obtain the training on or before March 4, 2015.

1305 SECTION 78. Sections 1,3, 4, 6, 8, 10, 11, 12, 13, 14, 17, 18, 21, 22, 24, 25, 26, 28, 29,
1306 33, 35, 36, 38, 39, 41, 42, 43, 44, 48, 49, 51, 53, 54, 56, 57, 58, 59, 60, 61, 62 and 64 shall take
1307 effect January 1, 2015.

1308 SECTION 77. Sections 19 and 20 shall take effect March 1, 2015; provided that the chief
1309 information officer of the commonwealth, in conjunction with the secretary of public safety and
1310 security, shall procure any necessary information technology services to implement the real time
1311 web portal pursuant to said section 20 on or before October 1, 2014.

1312 SECTION 79. Sections 15, 16, 23, 30, 31, 32, 34, 37, 40, 45, 46, 47, 50, 52, 55 and 63
1313 shall take effect January 1, 2021.

1314 SECTION 80: Section 10E of Chapter 269 of the General Laws, as appearing in the 2012
1315 Official Edition, is hereby amended by striking the section in its entirety and inserting in place
1316 thereof the following:

1317 Section 10E. Whoever, except as provided by law, in a single transaction or occurrence
1318 or in a series of transactions within a twelve month period, knowingly or intentionally
1319 distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns,
1320 or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, or
1321 any combination thereof is:

1322 (1) One or more, but less than three, be punished by a term of imprisonment of not more
1323 than ten years in the state prison or by a fine of not more than fifty thousand dollars may be
1324 imposed or by both such imprisonment and fine.

1325 (2) Three or more, but less than ten, be punished by a term of imprisonment of not more
1326 than twenty years in the state prison. No sentence imposed under the provisions of this paragraph
1327 shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not
1328 more than one hundred thousand dollars may be imposed but not in lieu of the mandatory
1329 minimum term of imprisonment, as established herein.

1330 (3) Ten or more, be punished by a term of imprisonment not less than ten years up to life
1331 imprisonment in the state prison. No sentence imposed under the provisions of this paragraph
1332 shall be for less than a mandatory minimum term of imprisonment of ten years and a fine of not
1333 more than one hundred and fifty thousand dollars may be imposed but not in lieu of the
1334 mandatory minimum term of imprisonment, as established herein.

1335 A prosecution commenced under this section shall not be placed on file or continued
1336 without a finding, and the sentence imposed upon a person convicted of violating any provision
1337 of said section shall not be reduced to less than the mandatory minimum term of imprisonment as
1338 established in said section, nor shall any sentence of imprisonment imposed upon any person be
1339 suspended or reduced until such person shall have served said mandatory minimum term of
1340 imprisonment.

1341 A person convicted of violating any provision of this section shall not, until he shall have
1342 served the mandatory minimum term of imprisonment established herein, be eligible for
1343 probation, parole, furlough, work release, or receive any deduction from his sentence for good
1344 conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one
1345 hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that
1346 the commissioner of corrections may, on the recommendation of the warden, superintendent, or
1347 other person in charge of the correctional institution, grant to said offender a temporary release in
1348 the custody of an officer of such institution for the following purposes: to attend the funeral of a
1349 relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services
1350 unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and

1351 seventy-six shall not apply to any person, seventeen years of age or over, charged with a
1352 violation of said sections, or to any child between the age of fourteen and seventeen, so charged,
1353 if the court is of the opinion that the interests of the public require that he shall be tried for such
1354 offense instead of being dealt with as a child.

1355 SECTION 81. Section 22 of Chapter 32A of the General Laws is hereby amended by
1356 striking out the last paragraph, inserted by section 1 of chapter 80 of the acts of 2000, and
1357 inserting in place thereof the following paragraph:—

1358 For the purposes of this section, "licensed mental health professional" shall mean a
1359 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
1360 licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
1361 mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
1362 practice for such educational psychologist.

1363 SECTION 82. Section 47B of Chapter 175 of the General Laws is hereby amended by
1364 striking out the next to the last paragraph, inserted by section 2 of chapter 80 of the acts of 2000,
1365 and inserting in place thereof the following paragraph:—

1366 For the purposes of this section, "licensed mental health professional" shall mean a
1367 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
1368 licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
1369 mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
1370 practice for such educational psychologist.

1371 SECTION 83. Section A of Chapter 176A of the General Laws is hereby amended by
1372 striking out the next to the last paragraph, inserted by section 4 of chapter 80 of the acts of 2000,
1373 and inserting in place thereof the following paragraph:—

1374 For the purposes of this section, "licensed mental health professional" shall mean a
1375 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
1376 licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
1377 mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
1378 practice for such educational psychologist.

1379 SECTION 84. Section 4A of Chapter 176B of the General Laws is hereby amended by
1380 striking out the next to the last paragraph, inserted by section 6 of chapter 80 of the acts of 2000,
1381 and inserting in place thereof the following paragraph:—

1382 For the purposes of this section, "licensed mental health professional" shall mean a
1383 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
1384 licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse

1385 mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
1386 practice for such educational psychologist.

1387 SECTION 85. Section 4M of Chapter 176G of the General Laws is hereby amended by
1388 striking out the next to the last paragraph, inserted by section 10 of chapter 80 to the acts of
1389 2000, and inserting in place thereof the following paragraph:—

1390 For the purposes of this section, "licensed mental health professional" shall mean a
1391 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
1392 licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
1393 mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
1394 practice for such educational psychologist.

1395 SECTION 86. This act shall apply to all policies, contracts, agreements, plans and
1396 certificates of insurance issued or delivered within or without the commonwealth on or after
1397 March 1, 2006, and to all policies, contracts, agreements, plans and certificates of insurance in
1398 effect before that date upon renewal or after March 1, 2006.