SENATE DOCKET, NO. 395 FILED ON: 1/16/2013

SENATE . . . . . No. 1162

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act enhancing public safety through the use of technology.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	*First Suffolk and Middlesex*
Thomas M. Menino	*1 City Hall Square Boston, MA 02201*
Carlo Basile	*1st Suffolk*
William N. Brownsberger	*Second Suffolk and Middlesex*
Martin J. Walsh	*13th Suffolk*

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By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 1162) of Anthony W. Petruccelli, Thomas M. Menino, Carlo Basile, William N. Brownsberger and others for legislation to further enhance public safety in the Commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *835* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act enhancing public safety through the use of technology.

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. 8000-0110 For the creation and maintenance of an electronic database system to be made available to every licensed dealer for the purpose of recording firearm sales, rentals and leases in the Commonwealth…… $2,000,000

SECTION 2. Section 123 of Chapter 140 of the General Laws is hereby amended by striking the third and fourth sentences and inserting in place thereof the following:-

"Second, any licensee who is engaged in the business of selling, renting or leasing firearms, rifles or shotguns shall, at the time of delivery of a firearm, record a true, accurate entry in a statewide electronic database to be furnished by the executive director of the criminal history systems board and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, and designation as a large capacity weapon, if applicable, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the name, the sex, residence and occupation of the purchaser, renter or lessee. Said licensee shall also record the sale of all ammunition in the same manner. In addition, said purchaser, renter or lessee shall before

17 delivery, as aforesaid, personally record his electronic signature as having received said firearm.
18 Said licensee engaged in the business of selling, renting and leasing firearms shall verify the
19 purchaser's information and ability to possess a firearm in the electronic database prior to
20 completing any such sale, rental or lease. Said electronic record shall be open at all times to the
21 inspection of the local or state police departments."

22 SECTION 3. Chapter 269 of the General Laws, as appearing in the 2004 Official
23 Edition, is hereby amended by deleting section 11E in its entirety and inserting the following
24 section:-

25 Section 11E. Serial identification numbers on firearms.

26 (a) All firearms, rifles and shotguns of new manufacture, manufactured or delivered to
27 any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on
28 a visible metal area of said firearm, rifle or shotgun, and the manufacturer of said firearm, rifle or
29 shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom
30 the firearm, rifle or shotgun was sold or delivered.

31 No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell
32 within the commonwealth any newly manufactured firearm, rifle or shotgun received directly
33 from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any
34 licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be
35 delivered within the commonwealth any firearm, rifle or shotgun not complying with this
36 section.

37 No licensed manufacturer within the commonwealth shall produce for sale within the
38 United States, its territories or possessions any firearm, rifle or shotgun not complying with
39 paragraph one of this section. Whoever violates this section shall be punished by a fine of five
40 hundred dollars. Each such violation shall constitute a separate offense.

41 (b) All semiautomatic firearms as defined in Chapter 140 Section 121 manufactured or
42 delivered to any licensed dealer within the commonwealth shall be capable of microstamping
43 ammunition.

44 (c) For purposes of subsection (b), a firearm is capable of microstamping ammunition if –

45 (i) a microscopic array of characters that identify the make, model, and serial number
46 of the firearm is etched into the breech face and firing pin of the firearm; and

47 (ii) when ammunition is fired from the firearm, the characters are copied from the
48 breech face and firing pin onto the cartridge case of the ammunition.

49 (d) Subsection (b) shall apply only to semiautomatic firearms which –

50 (i) are manufactured, or imported into the Commonwealth on or after the effective date
51 of this subsection; and

52 (ii) have not been transferred to a person not licensed under Chapter 140 of the general
53 laws.

54 (e) Whoever violates subection (b) shall be fined an amount equal to –

55 (i) in the case of a first such violation by the violator, $1,000 multiplied by the
56 number of firearms involved in the violation;

57 (ii) in the case of a second violation by the violator, $2,000 multiplied by the number
58 of firearms involved in the violation;

59 (iii) in the case of a third such violation by the violator, $3,000 multiplied by the
60 number of firearms involved in the violation.

61 SECTION 4. Section 3 of chapter 22E of the General Laws, as appearing in the 2006
62 Official Edition, is hereby amended by striking out the first sentence and inserting in place
63 thereof the following two sentences:-- "Any person, including a juvenile offender treated as an
64 adult, who is arrested for a felony or other specified offense punishable by imprisonment in the
65 state prison, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of
66 such offenses on or after December 31, 2012, shall have a DNA sample drawn or taken at the
67 same time such person is fingerprinted pursuant to the booking procedure. If for any reason a
68 person is convicted of a felony and has not submitted his/her DNA that person shall submit a
69 DNA sample to the department within 1 year of such conviction or adjudication or, if
70 incarcerated, before release from custody, whichever occurs first."

71 SECTION 5. Section 3 of chapter 22E of the General Laws, as so appearing, is hereby
72 amended by adding the following phrase after the second sentence which begins, "The sample
73 shall be collected by a person,": -- "designated by the department or the arresting law
74 enforcement agency and"

75 SECTION 6. Section 4(b) of chapter 22E of the General Laws, as so appearing, is
76 hereby amended by adding the following sentence to the end of the paragraph:--

77 "A portion of the assessment shall be shared by the department and the arresting law
78 enforcement agency to offset the cost associated with collecting and transferring the arrestee
79 sample to state custody for updating, maintaining, and administering the state DNA database."

80 SECTION 7. Subparagraph 1 of paragraph D of section 99 of chapter 272, as so
81 appearing, is hereby amended by adding the following clause:--

82 g. for a person not acting under color of law to intercept a wire, oral, or electronic
83 communication where such person is a party to the communication or where one of the parties to

84 the communication has given prior consent to such interception unless such communication is
85 intercepted for the purpose of committing any criminal or tortious act in violation of the
86 Constitution or laws of the United States or of any State.