

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to protect due process and strengthen public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Patrick O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>7/29/2016</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>7/29/2016</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>7/29/2016</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	<i>7/29/2016</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>7/29/2016</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>7/29/2016</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>7/29/2016</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>7/29/2016</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>7/30/2016</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>7/30/2016</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>7/30/2016</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>	<i>7/30/2016</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>7/30/2016</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>7/30/2016</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>7/30/2016</i>

<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>7/30/2016</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>7/30/2016</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>7/30/2016</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>7/30/2016</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>7/30/2016</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>7/30/2016</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>7/30/2016</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>7/30/2016</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>7/30/2016</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>7/30/2016</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	<i>7/30/2016</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>7/30/2016</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>7/30/2016</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>7/31/2016</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>7/31/2016</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>8/1/2016</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>8/2/2016</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>8/2/2016</i>

SENATE No.

By Mr. Tarr, a petition (accompanied by bill, Senate, No.) (subject to Joint Rule 12) of Bruce E. Tarr, Donald F. Humason, Jr., Ryan C. Fattman, Patrick M. OConnor and other members of the General Court for legislation to protect due process and strengthen public safety. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to protect due process and strengthen public safety.

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

1 Section 1. Section 2 of Chapter 93A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting, in line 11, after the word "chapter" the
3 following words: provided that such rules and regulations shall not govern, limit, or otherwise
4 relate to weapons as defined in Section 121 of Chapter 140, the manufacture of weapons or the
5 sale of weapons. Further, that any such rule or regulations having previously being promulgated
6 are hereby repealed.

7 Section 2. Section 121 of Chapter 140 of the general laws is hereby amended by adding
8 at the end thereof the following new section:

9 Section _:- No person who, being properly licensed to do so pursuant to Chapter 140 of
10 the general laws, purchased, sold or transferred a weapon or an assault weapon and such
11 transaction was properly submitted and approved under the Massachusetts Instant Record Check

12 System, prior to July 21, 2016 shall be guilty of the unlawful sale, transfer or possession of a
13 weapon or an assault weapon as defined in Section 121 of Chapter 140 of the general laws.

14 Section 3. Section 121 of Chapter 140 of the general laws is hereby further amended by
15 adding the following new section:-

16 Section _:- Administrative changes to lists and definitions prohibited

17 a). Definitions-

18 “Material change”-Change, alteration or modification to any provision contained in this
19 section which has its objective, effect, or impact, one or more weapons, by class, type or specific
20 model, being added or subtracted from the definition of assault weapon or weapon

21 “Administrative action” – any action other than statutory change pursuant to Article
22 XLVIII of the Constitution of the Commonwealth

23 b).Prohibition- No material change to the definition of weapon or assault weapon as
24 defined in section 121 of chapter 140 shall be made by administrative action

25 c). Request for Material Change- The Attorney General, the Secretary of the Executive
26 Office of Public Safety, or the governor of the Commonwealth may request a material change to
27 the definition of assault weapon or weapon as defined in section 121 of chapter 140, by filing a
28 petition pursuant to Article XLVIII of the Constitution, which shall include the reasons for such
29 request

30 Section 4. Section 128B of Chapter 140 of the general laws as appearing in the 2014
31 official edition is hereby amended by striking in lines 17 the following:-“by a fine of not less

32 than \$500 nor more than \$1,000” and inserting in place thereof the following:-“by a fine of not
33 less than \$1000 nor more than \$2,000 or imprisonment of no more than 6 months”

34 Section 5. Chapter 265 of the general laws is hereby amended in Section 18B, by adding
35 the following at the end thereof:

36 , provided, however, that if such person was not licensed pursuant to Chapter 140 of the
37 general laws, or the firearm was purchased in violation of section 128B of Chapter 140 of the
38 general laws, such penalty shall be increased in each instance by a term of 5 to 10 years

39 Section 6. This act shall be effective as of July 21, 2016.