HOUSE DOCKET, NO. 3774 FILED ON: 1/18/2019

HOUSE . . . . . No. 2048

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 authorizing the voluntary disavowal of eligibility to purchase a firearm.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*1/18/2019*

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2048) of Marjorie C. Decker that the commissioner of Criminal Justice Services be authorized to establish a list of persons who disavow eligibility to purchase firearms. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act authorizing the voluntary disavowal of eligibility to purchase a firearm.

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 2016 Official Edition, is hereby amended by adding the following subsection:-

(i) The commissioner, in consultation with the executive office of public safety, the attorney general and the colonel of the state police, shall establish a list of persons who disavow eligibility to purchase a firearm, rifle, shotgun or machine gun, hereinafter referred to as a firearm. A person may request such person's name to be placed on the list of disavowal of eligibility by filing a form with the commissioner acknowledging the person has a psychiatric disability and is a danger to themselves and by agreeing that the person shall not purchase a firearm.

The department shall develop a standard form, accessible on the department's webpage, providing for a voluntary disavowal of eligibility to purchase a firearm. The department may revoke, limit, condition, suspend or fine any licensee, as provided for in section 122 of chapter

140, eligibility to sell, rent or lease firearms, if the licensee sells a firearm to any person on such list or provides unauthorized access to any name on such list. The list shall be shared with a licensee by the department.

The department shall distribute the form to acute-care hospitals and satellite emergency facilities as defined in section 237 of chapter 111.

The department shall adopt regulations for the maintenance and distribution of the list of persons who disavow eligibility. The list shall not be a public record and shall not be open to public inspection.

SECTION 2. Chapter 111 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following section:-

Section 237. A person voluntarily presenting in an acute-care hospital or a satellite emergency facility who is reasonably believed by the treating clinician to be suffering from a diagnosis of depression, using standardized definition of such diagnosis as set forth in the Diagnostic and Statistical Manual of Mental Disorders as published by the American Psychiatric Association, shall be presented with the form provided for in section 167A of chapter 6. For the purposes of this section the term “acute-care hospital”, means any hospital licensed under section 51 that contains a majority of medical-surgical, pediatric, obstetric, and maternity beds, as defined by the department and the teaching hospital of the University of Massachusetts Medical School and the term “satellite emergency facility”, means a health care facility that operates on a 7-day per week, 24-hour per day basis that is located off the premises of a hospital, but is listed on the license of a hospital, and is authorized to accept patients transported to the facility by ambulance.

SECTION 3. Subsection (b) of section 36C of Chapter 123 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding, after the final sentence, the following sentence:-

In addition to the relief provided for in this subsection, the court may grant relief, upon petition, that the person's name be removed from the list of persons who disavow eligibility to purchase a firearm provided in section 167A of chapter 6.

SECTION 4. Clause (ix) of subsection (d) of section 131 of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 256, the word "or".

SECTION 5. Clause (x) of subsection (d) of section 131 of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 258, "." and inserting in place thereof the following:- ;or.

SECTION 6. Subsection (d) of section 131 of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended after clause (x) by adding the following clause:-

(y) a person who has voluntarily disavowed eligibility to purchase a firearm as listed on the list kept by the department of criminal justice information service pursuant to section 167A of chapter 6.

SECTION 7. Notwithstanding any general or special law to the contrary, any suicide hotline maintained or operated by any entity funded in whole or part by the commonwealth shall refer callers to the form provided for in section 1 of this act.