

**HOUSE . . . . . No. 2077**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Russell E. Holmes***

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

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

An Act relative to the transportation of illegal firearms.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                  | DATE ADDED:      |
|----------------------------|------------------------------------|------------------|
| <i>Russell E. Holmes</i>   | <i>6th Suffolk</i>                 | <i>1/18/2019</i> |
| <i>Angelo M. Scaccia</i>   | <i>14th Suffolk</i>                | <i>1/29/2019</i> |
| <i>Michael F. Rush</i>     | <i>Norfolk and Suffolk</i>         | <i>2/1/2019</i>  |
| <i>Daniel J. Ryan</i>      | <i>2nd Suffolk</i>                 | <i>2/1/2019</i>  |
| <i>Elizabeth A. Malia</i>  | <i>11th Suffolk</i>                | <i>2/1/2019</i>  |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i>                | <i>2/1/2019</i>  |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i>              | <i>2/1/2019</i>  |
| <i>Joseph A. Boncore</i>   | <i>First Suffolk and Middlesex</i> | <i>2/1/2019</i>  |

**HOUSE . . . . . No. 2077**

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 2077) of Russell E. Holmes and others relative to the transportation of illegal firearms. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

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

An Act relative to the transportation of illegal firearms.

*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. Chapter 269 of the General Laws is hereby amended by inserting after  
2 Section 10K the following sections:

3 Section 10L: Definitions.

4 Section 10L. For the purposes of this section and sections ten M, ten N and ten O, the  
5 following words shall have the following meanings:

6 "Firearm", a firearm as defined in section one hundred and twenty-one of chapter one  
7 hundred and forty, or a rifle or shotgun.

8 "Owner", an owner as defined in section one of chapter ninety.

9 Section 10M.

10           The owner of any motor vehicle that contains a firearm that violates any provision of  
11 section 10 of chapter 269 shall be liable to the city for an administrative penalty of two thousand  
12 dollars (\$2,000) plus any towing and storage fees applicable under sections 7, 8, & 10 of chapter  
13 135. If the violation takes place within 300 feet of the real property comprising a public or  
14 private accredited preschool, accredited headstart facility, elementary, vocational, or secondary  
15 school if the violation occurs between 5:00 a.m. and midnight, whether or not in session, or  
16 within one hundred feet of a public park or playground, the penalty shall be three thousand  
17 dollars (\$3,000) plus towing and storage fees. Any such vehicle shall be subject to seizure and  
18 impoundment pursuant to this section.

19           Section 10N.

20           Whenever a police officer has probable cause to believe that a vehicle is subject to  
21 seizure and impoundment pursuant to this section, the police officer shall provide for the towing  
22 of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is  
23 towed, the police officer shall notify any person identifying himself as the owner of the vehicle  
24 at the time of the alleged violation and concurrent process under this law and sections 7, 8, & 10  
25 of chapter 135.

26           If such property remains unclaimed in the possession of such police department or  
27 member thereof for one month and the owner thereof or his place of abode or business is  
28 unknown, or if the owner and his place of abode or business are known and the owner, after  
29 receipt by registered mail of a written notice from such department or member to take possession  
30 of said property, refuses or fails for a period of ten days following said receipt so to do, such  
31 department may take ownership of the vehicle or sell the same, excepting money unclaimed, by

32 public auction or any other licensed auction service, including sale over the Internet, notice of  
33 the time and place of sale, with a description of the property to be sold, first being given by  
34 publishing the same once in each of three successive weeks in a newspaper published in such  
35 city.

36 Section 100.

37 All proceeds from the sale of a said vehicle shall first be applied to any outstanding fines  
38 or fees assessed against the owner of the vehicle that are related to the offense for which it is in  
39 the possession of the Department. Subsequent proceeds beyond those that cover the cost of  
40 assessed fees and fines shall be deposited into the Commonwealth's Law Enforcement Trust  
41 Fund in accordance with section 47 of chapter 94C. Vehicles deemed un-sellable may be crushed  
42 or otherwise destroyed by the Department under the same guidelines referenced above, and may  
43 be sold as scrap metal, the proceeds of which shall be deposited into the Law Enforcement Trust  
44 Fund.