

HOUSE No. 2095

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 close the large capacity magazine loophole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/15/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/25/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/31/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/28/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/24/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/31/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/23/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/28/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/28/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/31/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/31/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/30/2019</i>

HOUSE No. 2095

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 2095) of David Paul Linsky and others relative to the sale, transfer, or possession of large capacity ammunition gun feeding devices. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act to close the large capacity magazine loophole.

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 131M of Chapter 140 of the General Laws, is hereby amended by
2 inserting after the second paragraph the following paragraphs:-

3 Any person who lawfully possesses a large capacity feeding device, pursuant to this
4 section, prior to January 1, 2020, shall apply by January 1, 2020, or if such person is a member
5 of the military or naval forces of this state or of the United States and is unable to apply by
6 January 1, 2020, because such member is or was on official duty outside of this state, shall apply
7 within 90 days of returning to the state, to the executive offices of public safety and security to
8 declare possession of such large capacity feeding device. Such application shall be made on such
9 form or in such manner as the executive offices of public safety and security prescribes.

10 A large capacity feeding device may be possessed, purchased, or imported by the
11 following for official duty purposes: (1) police departments, the department of corrections, the
12 department of criminal justice information services, the department of energy and environmental

13 protection, or the military or naval forces of this state or of the United States; and (2) any person,
14 firm, or corporation engaged in the business of manufacturing large capacity feeding devices in
15 this state that manufactures, purchases, tests, or transports large capacity feeding devices in this
16 state for sale within this state to persons specified in subdivision (1), or for sale outside this state.
17 No persons as outlined above who lawfully possesses a large capacity feeding device for official
18 duties shall be required to declare possession of a large capacity feeding device as pursuant to
19 this section, except that any such person who retires or is otherwise separated from service who
20 possesses a large capacity feeding device that was purchased or obtained by such person for
21 official use before such person retired or separated from service shall declare possession of the
22 large capacity feeding device within 90 days of such retirement or separation from service to the
23 executive office of public safety and security.

24 A large capacity feeding device may be possessed by: (1) a licensed gun dealer; and (2) a
25 gunsmith who is in a licensed gun dealers' employ, who possesses such large capacity feeding
26 device for the purpose of servicing or repairing a lawfully possessed large capacity feeding
27 device; any person who has declared possession of the large capacity feeding device pursuant to
28 this section.

29 The executive office of public safety and security may adopt regulations to establish
30 procedures with respect to applications under this section. The name and address of a person who
31 has declared possession of a large capacity feeding device shall be confidential and shall not be
32 disclosed, except such records may be disclosed to: (1) law enforcement agencies and employees
33 of the United States probation office acting in the performance of their duties and parole officers
34 within the department of corrections acting in the performance of their duties; and (2) the
35 department of mental health.

36 Any person who moves into the state, except for a member of the military or naval forces
37 of this state or of the United States, in lawful possession of a large capacity feeding device shall,
38 within 90 days, apply to the executive office of public safety and security to declare possession
39 of such large capacity feeding device.

40 If an owner of a large capacity feeding device transfers the large capacity feeding device
41 to a licensed gun dealer, such dealer shall, at the time of delivery of the large capacity feeding
42 device, execute a certificate of transfer, and mail or deliver the certificate to the executive
43 office of public safety and security. The certificate of transfer shall include: (1) the date of sale or
44 transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, and their
45 social security numbers or motor vehicle operator license numbers; (3) the licensed gun dealer's
46 federal firearms license number; and (4) a description of the large capacity feeding device. The
47 executive office of public safety and security shall maintain a file of all certificates of transfer.

48 Any person who declared possession of a large capacity feeding device under this section
49 may possess the large capacity feeding device only under the following conditions: (1) at that
50 person's residence; (2) while on the premises of a target range of a public or private club or
51 organizations organized for the purpose of practicing shooting at targets; (3) while on a target
52 range that holds a regulatory or business license for the purpose of practicing shooting at that
53 target range; (4) while on the premises of a licensed shooting club; and (5) while transporting the
54 large capacity feeding device between any of the places set forth in this paragraph, or to any
55 licensed gun dealer, provided that such large capacity feeding device contains not more than 10
56 bullets.

57 A violation of the terms of any provision of this section shall constitute a violation of the
58 sale, transfer, or possession requirements of the first paragraph of this section.