

SENATE No. 1389

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 preventing illegal trafficking of firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/15/2019</i>

SENATE No. 1389

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1389) of Cynthia Stone Creem and Joanne M. Comerford for legislation to prevent illegal trafficking of firearms. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2063 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to preventing illegal trafficking of 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. Subclause (j) of clause twenty-sixth of section 7 of chapter 4 of the General
2 Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word
3 “cards”, in line 182, the following words: - , but such names and addresses shall be made
4 available to law enforcement or other investigative officials, including district attorneys, assistant
5 district attorneys, the attorney general and assistant attorneys general for purposes of enforcing
6 subsection (c) of section 131E of chapter 140.

7 SECTION 2. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby
8 amended by striking the striking in line 27 the words “forthwith at” and inserting in place thereof
9 the words: - within thirty minutes of.

10 SECTION 3. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby
11 amended by inserting after the word “condition.”, in line 248, the following sentences: - Twenty-
12 second, That no licensee shall sell, rent or lease a firearm or large capacity weapon without first:
13 (i) obtaining a signed declaration from the purchaser, renter or lessee, on a form furnished by the
14 executive director of the criminal history systems board, that such individual has not purchased,
15 rented or leased, as those terms are used in section 121 and subsection (c) of section 131E of this
16 chapter, any firearm or large capacity weapon during the previous 30 days, or that such
17 individual is an exempt person as set forth under subsection (c) of section 131E of this chapter;
18 (ii) forwarding such declaration to the executive director of the criminal history systems board;
19 and (iii) receiving notification from the criminal history systems board that the purchaser, renter
20 or lessee has not purchased, rented or leased any firearm or large capacity weapon during the
21 previous 30 days, or that such individual is an exempt person as set forth under subsection (c) of
22 section 131E of this chapter. Such notification from the criminal history systems board shall be
23 valid for no more than two business days after the criminal history systems board issues the
24 notification, after which time the licensee must receive a new notification before completing a
25 sale, rental or lease of a firearm or large capacity weapon to such purchaser, renter or lessee.
26 Such declaration from the purchaser, renter or lessee shall not be a defense in any action brought
27 against a licensee.

28 SECTION 4. Section 128 of said chapter 140 of the General Laws, as so appearing, is
29 hereby amended by replacing in lines 5 and 6 the words “or twenty-first” and inserting in place
30 thereof the words “,twenty-first or twenty second”.

31 SECTION 5. Paragraph (1) of section 129B of said chapter 140, as so appearing, is
32 hereby amended by striking in line 98 the word “or” and by inserting after clause (xi) in line 100
33 the following :-

34 “or (xii) has been convicted of a violation of subsection (c) of section 131E of this
35 chapter.”

36 SECTION 6. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby
37 amended by striking in line 256 the word “or” and by inserting after clause (xi) in line 258 the
38 following :-

39 “or , (xi) has been convicted of a violation of subsection (c) of section 131E of this
40 chapter.

41 SECTION 7. Section 131A of said chapter 140 of the General Laws, as so appearing, is
42 hereby amended by inserting after the words “proper purpose”, in lines 5 and 6, the following
43 words: - and does not violate the firearm or large capacity weapon purchase, rental or lease
44 limitation in subsection (c) of section 131E of this chapter.

45 SECTION 8. Section 131E of said chapter 140 of the General Laws, as so appearing, is
46 hereby amended by adding the following subsection: -

47 (c) no person, other than an exempt person hereinafter described, shall purchase, rent or
48 lease more than one firearm or large capacity weapon in any 30 day period. The term “rent or
49 lease” as used herein shall not apply to the rental or lease of a firearm or large capacity weapon
50 for a duration of less than 48 hours, provided, however that such firearm is rented or leased from

51 a licensee who is licensed under the provisions of section 122 and subject to the conditions
52 described in section 123.

53 The provisions of this subsection shall not apply to the following persons and uses:

54 (1) Any law enforcement agency or authority;

55 (2) Any branch of the United States military, including the national guard;

56 (3) Any persons in any branch of the United States military or police officers and other
57 peace officers who are acquiring firearms for the purposes of performing their official duties or
58 when duly authorized by their employer to purchase them;

59 (4) Any licensed watch, guard or patrol agency or their licensed employees in the course
60 of their employment under sections 22 and 25 of chapter 147;

61 (5) Any person who has been certified as a licensed collector by the criminal history
62 systems board;

63 (6) A federal, state or local historical society, museum or institutional collector open to
64 the public;

65 (7) Any exchange of a firearm or large capacity weapon for another firearm or large
66 capacity weapon purchased, rented or leased from the licensed dealer by the same person seeking
67 the exchange within 30 days immediately before the exchange;

68 (8) A firearms surrender program authorized by and in compliance with section 131O of
69 this chapter.

70 A non-exempt person who purchases, rents or leases more than one firearm or large
71 capacity weapon in any 30 day period shall be punished, for a first offense, by a fine of not more
72 than \$1,000, or by imprisonment for not more than six months, or by both such fine and
73 imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$
74 1,000 and not more than \$5,000, or by imprisonment for not more than two and one-half years,
75 or by both such fine and imprisonment. The punishments under this subsection shall be separate
76 from the procedures established for the denial, revocation or suspension of firearm identification
77 cards, licenses and permits provided under this chapter.

78 Any person or licensee who sells, rents or leases a firearm or large capacity weapon to a
79 non-exempt person under this section, with knowledge or reason to know that the person has
80 purchased, rented or leased a firearm or large capacity weapon within the previous thirty days
81 shall be punished, for a first offense, by a fine of not more than \$5,000 or by imprisonment of not
82 more than two and one-half years, or by both such fine and imprisonment; and for any
83 subsequent offense shall be punished by a fine of not less than \$1,000 and not more than \$10,000
84 or by imprisonment for not more than five years, or by both such fine and imprisonment. These
85 punishments shall be separate from the procedures established for the denial, revocation or
86 suspension of firearm identification cards, licenses and permits provided under this chapter.