

SENATE No. 863

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

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 prevent illegal trafficking and gun violence among youth in the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------|--|------------------|
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>1/17/2019</i> |
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | <i>1/30/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/31/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/1/2019</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>2/1/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/1/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/13/2019</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>3/4/2019</i> |

SENATE No. 863

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 863) of Sonia Chang-Diaz, David Paul Linsky, Edward J. Kennedy, James B. Eldridge and other members of the General Court for legislation to prevent illegal trafficking and gun violence among youth in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to prevent illegal trafficking and gun violence among youth in the Commonwealth.

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 121 of chapter 140 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word “gun” in line 100 the following
3 words:-

4 “Microstamp”, a microscopic array of characters that identify the make, model, and serial
5 number of the firearms, etched or otherwise imprinted in two or more places on the interior
6 surface of the internal working parts of the firearm, and that are transferred by imprinting on
7 each cartridge case when the firearm is fired.

8 SECTION 2. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby
9 amended by inserting after the word “lease” in line 525, the following three sentences:-

10 No person licensed under section 122 or section 122B shall sell or otherwise transfer to
11 any person more than 15 firearms during any 1 year period, except by devise or trust. Sales or

12 transfers that occur at any time during such year, whether the sales or transfers amount to more
13 than 15 in the course of a single transaction or amount to more than 15 sales or transfers in the
14 aggregate during the course of a year, shall constitute a violation of this section. Commencing 3
15 years after the passage of this bill, persons licensed under section 122 or section 122B must only
16 sell guns designed or equipped with the ability to microstamp ammunition, by etching or
17 otherwise imprinting a microscopic array of characters that identify the make, model, and serial
18 number of the firearms in two or more places on the interior surface of the internal working parts
19 of the firearm, and that are transferred by imprinting on each cartridge case when the firearm is
20 fired.

21 SECTION 3. Said section 123 of said chapter 140 is hereby further amended by inserting
22 after the word “131E” in line 499 the following words:-

23 Twenty-second, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale,
24 lease, transfer or delivery, any firearm to any purchaser in the commonwealth unless the firearm
25 has the ability to microstamp its ammunition with two unique parts of the firearm.

26 SECTION 4. Section 131³/₄ of chapter 140 of the General Laws, as so appearing, is
27 hereby amended by striking out in line 6, the word “Twenty-first” and inserting in place thereof
28 the following word:- Twenty-second.

29 SECTION 5. The secretary of public safety and security shall study the feasibility of the
30 establishment of an interstate compact for the purpose of developing an interstate compact to
31 encourage the adoption of uniform procedures to combat illegal gun trafficking between states.
32 The report of such study and any recommended legislation or regulations shall be filed with the

33 joint committee on public safety not later than one year from the passage of this act. Such report
34 shall include but not be limited to, the steps necessary to form such an interstate compact.

35 SECTION 6. Chapter 140 of the General Laws is hereby further amended by inserting
36 after section 128B, the following section:-

37 Section 128C. Whoever being licensed under section 122 and who purchases or
38 otherwise accepts and keeps within the commonwealth for any period of time more than 15
39 firearms during any 1 year period shall be punished by not more than 5 years in state prison and
40 the licensing authority shall suspend any license or identification card issued under this chapter
41 to such person for a period not to exceed 3 years. This section shall not apply to firearms
42 bequeathed through trust or devise.

43 SECTION 7. Said chapter 140 is hereby further amended by inserting after section 129C
44 the following section:-

45 Section 129C $\frac{1}{2}$. Any person or entity that inherits a firearm, rifle or shotgun by trust or
46 devise, may sell, transfer or deliver such weapon to a licensed dealer or to another person if the
47 transferee is legally permitted to purchase or take possession of such weapon or, within 180 days
48 of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant
49 firearms identification card or license to carry. Whoever violates this section shall be punished
50 by a fine of not less than \$1,000 nor more than \$10,000.

51 SECTION 8. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
52 amended by striking out, in line 6, the words “(1) being present in or on his residence or place of
53 business; or”.

54 SECTION 9. Section 11A of chapter 269 of the General Laws, as so appearing, is hereby
55 amended by adding the following paragraph:-

56 “Microstamp”. a microscopic array of characters that identify the make, model, and serial
57 number of the firearms, etched or otherwise imprinted in two or more places on the interior
58 surface of the internal working parts of the firearm, and that are transferred by imprinting on
59 each cartridge case when the firearm is fired.

60 SECTION 10. Chapter 269 of the General Laws, as so appearing, is hereby amended by
61 striking out section 11C and inserting in place thereof the following section:-

62 Section 11C. Whoever, by himself or another, removes, defaces, alters, obliterates or
63 mutilates in any manner the serial number, identification number, or microstamping functions of
64 a firearm, or in any way participates therein, and whoever receives a firearm with knowledge that
65 its serial number, identification number, or microstamping functions have been removed,
66 defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more
67 than two hundred dollars or by imprisonment for not less than one month nor more than two and
68 one half years. Possession or control of a firearm the serial number, identification number, or
69 microstamping functions of which has been removed, defaced, altered, obliterated or mutilated in
70 any manner shall be prima facie evidence that the person having such possession or control is
71 guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence
72 that such person had no knowledge whatever that such number had been removed, defaced,
73 altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a
74 conviction of a violation of this section said firearm or other article shall be forwarded, by the

75 authority of the written order of the court, to the colonel of the state police, who shall cause said
76 firearm or other article to be destroyed.

77 SECTION 11. Section 11E of chapter 269 of the General Laws, as so appearing, is
78 hereby amended by adding the following paragraph:-

79 All firearms of new manufacture with the capacity to eject spent cartridges manufactured,
80 delivered to any licensed dealer within the commonwealth, or owned by any individual holding a
81 Massachusetts issued firearm license shall be designed or equipped with the ability to
82 microstamp ammunition commencing three years after the passage of this bill. The manufacturer
83 of said firearm shall keep records of said serial numbers and the dealer, distributor or person to
84 whom the firearm was sold or delivered.