SENATE No. 1242

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. 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:
Cynthia S. Creem	First Middlesex and Norfolk
Ruth B. Balser	12th Middlesex
Tricia Farley-Bouvier	3rd Berkshire

SENATE No. 1242

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1242) of Cynthia S. Creem, Ruth B. Balser and Tricia Farley-Bouvier for legislation to prevent illegal trafficking of firearms. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 1120 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court (2015-2016)

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:

- SECTION 1. Subclause (j) of clause twenty-sixth of section 7 of chapter 4 of the General
- 2 Laws, as appearing in the 2010 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. Subsection (d) of section 10 of chapter 66 of the General Laws, as so
- 8 appearing, is hereby amended by inserting after the word "six", in line 60, the following words: -
- 9, including, but not limited to, such agencies enforcing subsection (c) of section 131E of chapter
- 10 140.

SECTION 3. Section 123 of chapter 140 of the General Laws, as most recently amended, is hereby amended by striking the striking the words "forthwith at" in the section beginning with "Fifth," and replacing it with the words: - within thirty minutes of.

14 SECTION 4. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word "condition.", in line 229, the following sentences: - Twenty-15 second, That no licensee shall sell, rent or lease a firearm or large capacity weapon without first: 16 17 (i) obtaining a signed declaration from the purchaser, renter or lessee, on a form furnished by the executive director of the criminal history systems board, that such individual has not purchased, 18 rented or leased, as those terms are used in section 121 and subsection (c) of section 131E of this 19 20 chapter, any firearm or large capacity weapon during the previous 30 days, or that such 21 individual is an exempt person as set forth under subsection (c) of section 131E of this chapter; 22 (ii) forwarding such declaration to the executive director of the criminal history systems board; and (iii) receiving notification from the criminal history systems board that the purchaser, renter 23 or lessee has not purchased, rented or leased any firearm or large capacity weapon during the 24 previous 30 days, or that such individual is an exempt person as set forth under subsection (c) of 25 section 131E of this chapter. Such notification from the criminal history systems board shall be 26 valid for no more than two business days after the criminal history systems board issues the notification, after which time the licensee must receive a new notification before completing a 28 sale, rental or lease of a firearm or large capacity weapon to such purchaser, renter or lessee. 29 Such declaration from the purchaser, renter or lessee shall not be a defense in any action brought 30 31 against a licensee.

- 32 SECTION 5. Section 128 of said chapter 140 of the General Laws, as so appearing, is
- 33 hereby amended by replacing "or" after the word "twentieth" with "," and inserting after the
- 34 word "twenty-first", the words: or twenty-second.
- 35 SECTION 6. Paragraph (1) of section 129B of said chapter 140, as so appearing, is
- 36 hereby amended by adding after clause (xi) the following: -
- 37 "or (xii) has been convicted of a violation of subsection (c) of section 131E of this
- 38 chapter.
- 39 SECTION 7. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby
- 40 amended by adding after clause (x) the following:-
- or (xi) has been convicted of a violation of subsection (c) of section 131E of this
- 42 chapter.
- 43 SECTION 8. Section 131A of said chapter 140 of the General Laws, as so appearing, is
- 44 hereby amended by inserting after the words "proper purpose", in line 5, the following words: -
- 45 and does not violate the firearm or large capacity weapon purchase, rental or lease limitation in
- 46 subsection (c) of section 131E of this chapter.
- 47 SECTION 9. Section 131E of said chapter 140 of the General Laws, as so appearing, is
- 48 hereby amended by adding the following subsection: -
- (c) no person, other than an exempt person hereinafter described, shall purchase, rent
- 50 or lease more than one firearm or large capacity weapon in any 30 day period. The term "rent or
- 51 lease" as used herein shall not apply to the rental or lease of a firearm or large capacity weapon
- 52 for a duration of less than 48 hours, provided, however that such firearm is rented or leased from

a licensee who is licensed under the provisions of section 122 and subject to the conditions described in section 123. 54 55 The provisions of this subsection shall not apply to the following persons and uses: 56 (1) Any law enforcement agency or authority; 57 (2) Any branch of the United States military, including the national guard; 58 (3) Any persons in any branch of the United States military or police officers and 59 other peace officers who are acquiring firearms for the purposes of performing their official 60 duties or when duly authorized by their employer to purchase them; 61 (4) Any licensed watch, guard or patrol agency or their licensed employees in the course of their employment under sections 22 and 25 of chapter 147; 62 63 (5) Any person who has been certified as a licensed collector by the criminal 64 history systems board; 65 (6) A federal, state or local historical society, museum or institutional collector open to the public; 67 (7) Any exchange of a firearm or large capacity weapon for another firearm or large capacity weapon purchased, rented or leased from the licensed dealer by the same person seeking the exchange within 30 days immediately before the exchange; 69 70 (8) A firearms surrender program authorized by and in compliance with section

71 1310 of this chapter.

72 A non-exempt person who purchases, rents or leases more than one firearm or large capacity weapon in any 30 day period shall be punished, for a first offense, by a fine of not more 73 than \$1,000, or by imprisonment for not more than six months, or by both such tine and 74 imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$ 75 76 1,000 and not more than \$5,000, or by imprisonment for not more than two and one-half years, 77 or by both such fine and imprisonment. The punishments under this subsection shall be separate from the procedures established for the denial, revocation or suspension of firearm identification 78 cards, licenses and permits provided under this chapter. 79

80 Any person or licensee who sells, rents or leases a firearm or large capacity weapon to a 81 non-exempt person under this section, with knowledge or reason to know that the person has 82 purchased, rented or leased a firearm or large capacity weapon within the previous thirty days shall be punished, for a first offense, by a fine of not more than \$5,000 or by imprisonment of not 83 more than two and one-half years, or by both such fine and imprisonment; and for any 84 subsequent offense shall be punished by a tine of not less than \$1,000 and not more than \$10,000 85 or by imprisonment for not more than five years, or by both such fine and imprisonment. These 86 punishments shall be separate from the procedures established for the denial, revocation or 87 suspension of firearm identification cards, licenses and permits provided under this chapter.