

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

David P. 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 passage of the accompanying bill:

An Act to prevent bulk purchasing and illegal trafficking of firearms.

PETITION OF:

NAME:

David P. Linsky

DISTRICT/ADDRESS:

5th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1570 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PREVENT BULK PURCHASING AND 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 Laws
2 is hereby amended by inserting after the word "cards", in line 178, the following words: - , but such
3 names and addresses shall be made available to law enforcement or other investigative officials,
4 including district attorneys, assistant district attorneys, the attorney general and assistant attorneys
5 general for purposes of enforcing subsection (c) of section 131E of chapter 140.
6

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

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

14
15 SECTION 4. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by
16 inserting after the word "condition.", in line 229, the following sentences: - Twenty-second, That no
17 licensee shall sell, rent or lease a firearm or large capacity weapon without first: (i) obtaining a signed
18 declaration from the purchaser, renter or lessee, on a form furnished by the executive director of the
19 criminal history systems board, that such individual has not purchased, rented or leased, as those terms
20 are used in section 121 and subsection (c) of section 131E of this chapter, any firearm or large capacity

21 weapon during the previous 30 days, or that such individual is an exempt person as set forth under
22 subsection (c) of section 131E of this chapter; (ii) forwarding such declaration to the executive director
23 of the criminal history systems board; and (iii) receiving notification from the criminal history systems
24 board that the purchaser, renter or lessee has not purchased, rented or leased any firearm or large
25 capacity weapon during the previous 30 days, or that such individual is an exempt person as set forth
26 under subsection (c) of section 131E of this chapter. Such notification from the criminal history systems
27 board shall be valid for no more than two business days after the criminal history systems board issues
28 the notification, after which time the licensee must receive a new notification before completing a sale,
29 rental or lease of a firearm or large capacity weapon to such purchaser, renter or lessee. Such
30 declaration from the purchaser, renter or lessee shall not be a defense in any action brought against a
31 licensee.
32

33 SECTION 5. Section 128 of said chapter 140 of the General Laws, as so appearing, is hereby amended
34 by replacing " or" after the word "twentieth" with "," and inserting after the word "twenty-first", the
35 words: - or twenty-second.
36

37 SECTION 6. Section 128A of said chapter 140 of the General Laws, as so appearing, is hereby amended
38 by striking, "reports within seven days, in writing to the executive director of the criminal history
39 systems board on forms furnished by said executive director, the names and addresses of the seller and
40 the purchaser of any such large capacity feeding device, firearm, rifle or shotgun, together with a
41 complete description of the firearm, rifle or shotgun, including its designation as a large capacity
42 weapon, if applicable, the calibre, make and serial number and the purchaser's license to carry firearms
43 number, permit to purchase number and identifying number of such documentation as is used to
44 establish exempt person status in the case of a firearm or the purchaser's license to carry number or
45 firearm identification card number or said document identity number, in the case of a rifle or shotgun,"
46 and inserting: - "shall complete all sales, rentals and leases of firearms, rifles, shotguns, and large
47 capacity feeding devices through a person licensed pursuant to section 122 by delivering the firearm,
48 rifle, shotgun, or large capacity feeding device to the licensee who shall then deliver the firearm, rifle,
49 shotgun, or large capacity feeding device to the purchaser, renter or lessee, if the sale, rental, or lease is
50 not prohibited, in accordance with section 123 of this chapter as if the licensee was selling, renting or
51 leasing the firearm, rifle, shotgun, or large capacity feeding device directly to the purchaser, renter or
52 lessee. The dealer may require the purchaser, renter or lessee to pay a fee not to exceed ten dollars
53 (\$10) per firearm, rifle, shotgun, or large capacity feeding device."
54

55 SECTION 7. Paragraph (1) of section 129B of said chapter 140, as so appearing, is hereby amended by
56 adding the following three clauses: -
57

58 (viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to section 3B or
59 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a permanent or temporary

60 protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

61

62 (ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

63

64 (x) has been convicted of a violation of subsection (c) of section 131E of this chapter.”

65

66 SECTION 8. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby amended by
67 the following three subparagraphs: -

68

69 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or
70 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary
71 protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

72

73 (vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

74

75 (viii) has been convicted of a violation of subsection (c) of section 131E of this chapter.”

76

77 SECTION 9. Section 131A of said chapter 140 of the General Laws, as so appearing, is hereby amended
78 by inserting after the words “proper purpose”, in line 5, the following words: - and does not violate the
79 firearm or large capacity weapon purchase, rental or lease limitation in subsection (c) of section 131E of
80 this chapter.

81

82 SECTION 10. Section 131E of said chapter 140 of the General Laws, as so appearing, is hereby
83 amended by adding the following subsection: -

84

85 (c) no person, other than an exempt person hereinafter described, shall purchase, rent or lease more
86 than one firearm or large capacity weapon in any 30 day period. The term “rent or lease” as used herein
87 shall not apply to the rental or lease of a firearm or large capacity weapon for a duration of less than 48
88 hours, provided, however that such firearm is rented or leased from a licensee who is licensed under the
89 provisions of section 122 and subject to the conditions described in section 123.

90

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

92

93 (1) Any law enforcement agency or authority;

94

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

96

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

100

101 (4) Any licensed watch, guard or patrol agency or their licensed employees in the course of their

102 employment under sections 22 and 25 of chapter 147;

103

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

105

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

107

108 (7) Any exchange of a firearm or large capacity weapon for another firearm or large capacity weapon
109 purchased, rented or leased from the licensed dealer by the same person seeking the exchange within
110 30 days immediately before the exchange;

111

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

113

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

122

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