

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Petruccelli

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 further enhance public safety in the Commonwealth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mr. Petruccelli

First Suffolk and Middlesex

Kevin G. Honan

17th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO FURTHER ENHANCE PUBLIC SAFETY 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.

2 8000-0110 For the creation and maintenance of an electronic database system to be made
3 available to every licensed dealer for the purpose of recording firearm sales, rentals and leases in
4 the Commonwealth..... \$2,000,000

5

6 SECTION 2. Section 123 of Chapter 140 of the General Laws, as appearing in the 2004 Official
7 Edition, is hereby amended by striking the third and fourth sentences and inserting in place
8 thereof the following:-

9 “Second, that person who is engaged in the business of selling, renting or leasing firearms, rifles
10 or shotguns shall, at the time of delivery of a firearm, record a true, accurate entry in a statewide
11 electronic database to be furnished by the executive director of the criminal history systems
12 board and to be kept for that purpose, specifying the complete description of the firearm, rifle or

13 shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, and
14 designation as a large capacity weapon, if applicable, whether sold, rented or leased, the date of
15 each sale, rental or lease, the license to carry firearms number or permit to purchase number and
16 the identification card number in the case of a firearm or the identification card number or the
17 license to carry firearms number in the case of a rifle or shotgun, the name, the sex, residence
18 and occupation of the purchaser, renter or lessee. Said person shall also record the sale of all
19 ammunition in the same manner. In addition, said purchaser, renter or lessee shall before
20 delivery, as aforesaid, personally record his electronic signature as having received said firearm.
21 Said person engaged in the business of selling, renting and leasing firearms shall verify the
22 purchaser's information and ability to possess a firearm in the electronic database prior to
23 completing any such sale, rental or lease. Said electronic record shall be open at all times to the
24 inspection of the local or state police departments.”

25

26 SECTION 3. Section 123 of Chapter 140, as so appearing, is hereby amended by inserting in
27 Clause Eighth after the words “Eighth, that no firearm” the following:- “or ammunition for such
28 firearm”; and by inserting after the words “rifle or shotgun” the following:- “or ammunition for
29 such firearm”; by inserting after the words “that no large capacity firearm nor large capacity
30 feeding device” the following:- “or ammunition”; and by inserting after the words “no machine
31 gun” the following:- “or ammunition for such firearm”.

32

33 SECTION 4. Section 123 of Chapter 140, as so appearing, is hereby amended by adding at the
34 end of the fifth paragraph the following:-

35 “Under no circumstances shall a sale or transfer of such firearms, rifles, shotguns,
36 machine guns or ammunition occur outside the physical building of said collectors club or gun
37 show that would not meet the conditions for sale or transfer as set forth in the above-mentioned
38 sections.”

39

40 SECTION 5. Section 121 of Chapter 140, as so appearing, is hereby amended by inserting after
41 the second paragraph the following new paragraphs:-

42 “Armor Piercing Ammunition”, shall be defined as: (a) a projectile or projectile core which may
43 be used in a handgun and which is constructed entirely (excluding the presence of traces of other
44 substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium
45 copper, or depleted uranium; or (b) a full jacketed projectile larger than .22 caliber designed and
46 intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total
47 weight of the projectile.

48 The term “armor piercing ammunition” does not include shotgun shot required by Federal or
49 State environmental or game regulations for hunting purposes or ammunition designed for target
50 shooting.”

51 Section 128 of said Chapter is further amended by inserting in the first sentence after the words
52 “shotgun” the following:- “, armor- piercing ammunition”;

53 and by inserting in the second paragraph after the words “attempted to sell” the following:-

54 “armor-piercing ammunition or”

55 Section 131 of said Chapter is hereby further amended by inserting in Clause (o) after the words
56 “machine gun” the following:- “or armor-piercing ammunition”;
57 and by inserting after the words “may issue a machine gun” the following:- “or armor-piercing
58 ammunition”

59 Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by inserting
60 in the first sentence of clause (c) after the words “machine gun” the following:- “or armor-
61 piercing ammunition”.

62

63 SECTION 6. Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby
64 amended by inserting at the end of clause (d) the following:-

65 “Whoever, after having been convicted of any offense resulting in incarceration of one year or
66 more in the state prison, further commits an offense set forth in paragraph (a), (b) or (c), may be
67 punished by imprisonment in the state prison for not less than three years nor more than five
68 years; for a third such offense, by imprisonment in the state prison for not less than five years nor
69 more than seven years; and for a fourth such offense, by imprisonment in the state prison for not
70 less than seven years nor more than ten years. Said additional sentencing shall be subject to the
71 discretion of the presiding judicial authority.”

72

73 SECTION 7. Clause (a) of Section 10 of Chapter 269 of the General Laws, as so appearing, is
74 hereby amended by inserting in clause (a) after the words “loaded or unloaded” the following:-
75 “or ammunition”.

76

77 SECTION 8. Section 25 of Chapter 279 of the General Laws, as appearing in the 1998 Official
78 Edition, is hereby amended by striking out, in lines 1 and 2, the words “and committed to prison”

79 Said section is hereby further amended by striking out, in lines 2 and 3, the words “or once in
80 this and once or more in another state, for terms of not less than three years each”.

81 Said section is hereby further amended by inserting in the first sentence after the word “state”,
82 the following words:- “or in any federal jurisdiction”.

83