

SENATE No. 2063

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:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 2063

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2063) (subject to Joint Rule 12) of Cynthia S. Creem 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 Ninetieth General Court
(2017-2018)**

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 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.

11 SECTION 3. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby
12 amended by striking the striking the words “forthwith at” in the section beginning with “Fifth,”
13 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
15 amended by inserting after the word “condition.”, in line 229, the following sentences: - Twenty-
16 second, That no licensee shall sell, rent or lease a firearm or large capacity weapon without first:
17 (i) obtaining a signed declaration from the purchaser, renter or lessee, on a form furnished by the
18 executive director of the criminal history systems board, that such individual has not purchased,
19 rented or leased, as those terms are used in section 121 and subsection (c) of section 131E of this
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;
23 and (iii) receiving notification from the criminal history systems board that the purchaser, renter
24 or lessee has not purchased, rented or leased any firearm or large capacity weapon during the
25 previous 30 days, or that such individual is an exempt person as set forth under subsection (c) of
26 section 131E of this chapter. Such notification from the criminal history systems board shall be
27 valid for no more than two business days after the criminal history systems board issues the
28 notification, after which time the licensee must receive a new notification before completing a
29 sale, rental or lease of a firearm or large capacity weapon to such purchaser, renter or lessee.
30 Such declaration from the purchaser, renter or lessee shall not be a defense in any action brought
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. Section 128A of said chapter 140 of the General Laws, as so appearing, is
36 hereby amended by striking, “reports within seven days, in writing to the commissioner of the
37 department of criminal justice information services on forms furnished by said executive
38 director, the names and addresses of the seller and the purchaser of any such large capacity
39 feeding device, firearm, rifle or shotgun, together with a complete description of the firearm, rifle
40 or shotgun, including its designation as a large capacity weapon, if applicable, the calibre, make
41 and serial number and the purchaser’s license to carry firearms number, permit to purchase
42 number and identifying number of such documentation as is used to establish exempt person
43 status in the case of a firearm or the purchaser’s license to carry number or firearm identification
44 card number or said document identity number, in the case of a rifle or shotgun” and inserting: -
45 “shall complete all sales, rentals and leases of firearms, rifles, shotguns, and large capacity
46 feeding devices through a person licensed pursuant to section 122 by delivering the firearm, rifle,
47 shotgun, or large capacity feeding device to the licensee who shall then deliver the firearm, rifle,
48 shotgun, or large capacity feeding device to the purchaser, renter or lessee, if the sale, rental, or
49 lease is not prohibited, in accordance with section 123 of this chapter as if the licensee was
50 selling, renting or leasing the firearm, rifle, shotgun, or large capacity feeding device directly to
51 the purchaser, renter or lessee. The dealer may require the purchaser, renter or lessee to pay a
52 fee not to exceed ten dollars (\$10) per firearm, rifle, shotgun, or large capacity feeding device.”

53 SECTION 7. Paragraph (1) of section 129B of said chapter 140, as so appearing, is
54 hereby amended by striking clause (ix) and inserting in place thereof following two clauses: -

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

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

58 SECTION 8. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby
59 amended by striking clause (ix) and inserting in place thereof following two clause: -

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

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

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

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

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

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

- 76 (1) Any law enforcement agency or authority;
- 77 (2) Any branch of the United States military, including the national guard;
- 78 (3) Any persons in any branch of the United States military or police officers and other
79 peace officers who are acquiring firearms for the purposes of performing their official duties or
80 when duly authorized by their employer to purchase them;
- 81 (4) Any licensed watch, guard or patrol agency or their licensed employees in the course
82 of their employment under sections 22 and 25 of chapter 147;
- 83 (5) Any person who has been certified as a licensed collector by the criminal history
84 systems board;
- 85 (6) A federal, state or local historical society, museum or institutional collector open to
86 the public;
- 87 (7) Any exchange of a firearm or large capacity weapon for another firearm or large
88 capacity weapon purchased, rented or leased from the licensed dealer by the same person seeking
89 the exchange within 30 days immediately before the exchange;
- 90 (8) A firearms surrender program authorized by and in compliance with section 131O of
91 this chapter.

92 A non-exempt person who purchases, rents or leases more than one firearm or large
93 capacity weapon in any 30 day period shall be punished, for a first offense, by a fine of not more
94 than \$1,000, or by imprisonment for not more than six months, or by both such fine and
95 imprisonment; and for any subsequent offense shall be punished by a fine of not less than \$
96 1,000 and not more than \$5,000, or by imprisonment for not more than two and one-half years,

97 or by both such fine and imprisonment. The punishments under this subsection shall be separate
98 from the procedures established for the denial, revocation or suspension of firearm identification
99 cards, licenses and permits provided under this chapter.

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