

SENATE No. 942

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>3/11/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/18/2021</i>

SENATE No. 942

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 942) of Sonia Chang-Diaz, David Paul Linsky and Joanne M. Comerford for legislation to prevent illegal trafficking and gun violence among youth in the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 863 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 2018
2 Official Edition, is hereby amended by inserting the after the definition of machine gun the
3 following:-

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 last sentence of the third paragraph the following three
10 sentences:-

11 No person licensed under section 122 or section 122B shall sell or otherwise transfer to
12 any person more than 15 firearms during any 1 year period, except by devise or trust. Sales or
13 transfers that occur at any time during such year, whether the sales or transfers amount to more
14 than 15 in the course of a single transaction or amount to more than 15 sales or transfers in the
15 aggregate during the course of a year, shall constitute a violation of this section. Commencing 3
16 years after the passage of this bill, persons licensed under section 122 or section 122B must only
17 sell guns designed or equipped with the ability to microstamp ammunition, by etching or
18 otherwise imprinting a microscopic array of characters that identify the make, model, and serial
19 number of the firearms in two or more places on the interior surface of the internal working parts
20 of the firearm, and that are transferred by imprinting on each cartridge case when the firearm is
21 fired.

22 SECTION 3. Said section 123 of said chapter 140 is hereby further amended by inserting
23 to the end of the first paragraph the following subsection:-

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

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

30 SECTION 5. The secretary of public safety and security shall study the feasibility of the
31 establishment of an interstate compact for the purpose of developing an interstate compact to
32 encourage the adoption of uniform procedures to combat illegal gun trafficking between states.
33 The report of such study and any recommended legislation or regulations shall be filed with the
34 joint committee on public safety not later than one year from the passage of this act. Such report
35 shall include but not be limited to, the steps necessary to form such an interstate compact.

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

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

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

46 Section 129C½. Any person or entity that inherits a firearm, rifle or shotgun by trust or
47 devise, may sell, transfer or deliver such weapon to a licensed dealer or to another person if the
48 transferee is legally permitted to purchase or take possession of such weapon or, within 180 days
49 of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant
50 firearms identification card or license to carry. Whoever violates this section shall be punished
51 by a fine of not less than \$1,000 nor more than \$10,000.

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

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

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

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

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

74 altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a
75 conviction of a violation of this section said firearm or other article shall be forwarded, by the
76 authority of the written order of the court, to the colonel of the state police, who shall cause said
77 firearm or other article to be destroyed.

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

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