

By Mr. Corriveau of Sturbridge, petition of Paul J. Corriveau for legislation to establish a board of license and card examiners to review revocation, limitation or refusal of certain licenses under the firearms law. Public Safety.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

### AN ACT CREATING A BOARD OF LICENSE AND CARD EXAMINERS TO REVIEW REVOCATION, LIMITATION OR REFUSAL OF CERTAIN LICENSES UNDER THE FIREARM LAWS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 140 of the General Laws is hereby amended by  
2 inserting after section 131H the following new section: —

3 *Section 131I.* There shall be established a board of license  
4 and card examiners, hereinafter referred to as the board, to  
5 to composed of seven members appointed by the governor to  
6 serve during his term and until their successors are appointed  
7 and qualified. The board shall consist of (1) a representa-  
8 tive of the law enforcement community, (2) the commissioner  
9 of public safety or his designee, (3) two representatives from  
10 duly organized sporting or shooting organizations or gun  
11 collectors associations, (4) the commissioner of the depart-  
12 ment of natural resources, or his designee, and (5) one mem-  
13 ber of the public not associated with law enforcement and  
14 not an employee of the commonwealth or any of its subdi-  
15 visions not a member of any sporting or gun collecting  
16 club and (6) the director of the division of fisheries and  
17 game. At least one member of the board shall be a member  
18 of the Massachusetts bar and shall act as chairman.

19 Any person aggrieved by any refusal to issue or renew any  
20 license or card or by any limitation or revocation of a license  
21 or card under the provisions of sections one hundred and  
22 twenty-two B, one hundred and twenty-nine B, one hundred  
23 and twenty-nine C, one hundred and thirty-one, one hundred

24 and thirty-one A and one hundred and thirty-one H of this  
25 chapter, may, within ninety days after receipt of notice of  
26 such refusal, limitation or revocation and without prejudice  
27 to any other course of action open to him in law or in equity,  
28 appeal to the board. On such appeal the board shall inquire  
29 into and determine the facts, de novo, and unless it finds that  
30 such a refusal, limitation or revocation would be for just and  
31 proper cause, it shall order such license, card or permit to be  
32 issued, renewed or restored, or the limitation removed or  
33 modified.

34 Any person aggrieved by the action of an issuing authority  
35 may file with the board a clear and concise statement of the  
36 facts on which he relies for relief, and shall state the relief  
37 sought by the appellant. The receipt by the board of the ap-  
38 pellant's statement shall initiate the appeal process, and no  
39 appeal may be rejected for mere lack of formality. The board  
40 shall, within ten days next following receipt of the appeal,  
41 set a time and place at which the appeal shall be heard. The  
42 board, while such appeal is pending, may request such addi-  
43 tional information from the appellant and from the licens-  
44 ing authority as it deems reasonably necessary to conduct a  
45 fair and impartial hearing, and shall require of the issuing  
46 authority from whose decision or action the appeal is being  
47 sought a statement in writing setting forth the reasons for  
48 such failure, refusal, revocation or limitation. Failure or  
49 refusal of the issuing authority to furnish such written state-  
50 ment, at least ten days prior to the hearing shall be cause for  
51 the board to grant the relief sought, forthwith and without  
52 further hearing.

53 The board shall hold hearings at such times and places as  
54 it in its discretion reasonably determine to be required, but  
55 not less than once every ninety days, and shall give reasonable  
56 notice of the time and place of the hearing to the appellant  
57 and to the issuing authority. The board shall have the power  
58 to compel attendance to its sessions.

59 All appeals hearings shall be conducted in an informal  
60 manner, but otherwise according to the rules of evidence, and  
61 all witnesses shall be sworn by the chairman. Upon request  
62 and at the expense of the aggrieved party, the board shall  
63 cause a verbatim transcript of the hearing to be kept in such

64 manner as it may determine, and shall furnish such tran-  
65 script to any party appealing its decision as hereinafter set  
66 forth. Decisions of the board shall be by majority vote and  
67 shall be communicated in writing to the appellant and to the  
68 issuing authority within twenty days after the rendering of  
69 the decision. If any issuing authority neglects or refuses to  
70 comply with a decision of the board within ten days after  
71 notice of the board's decision has been given to such issuing  
72 authority, the board shall apply to the superior court for a  
73 writ of mandamus to enforce the board's decision.

74 Any person aggrieved by the decision of the board may,  
75 within thirty days of notice of the decision being received,  
76 appeal to the district court for the jurisdiction in which he  
77 resides, or in which he has his place of business. On such  
78 appeal the court shall inquire into and determine the facts  
79 and unless it finds that such a refusal, revocation or limita-  
80 tion of a permit under the provision of this chapter, is for a  
81 just and proper cause, it shall order such license to be issued,  
82 renewed or restored as the case may be.

83 The board shall serve without compensation, but its mem-  
84 bers shall be entitled to reasonable subsistence and travel  
85 allowances in the performance of their duties.

