

By Mr. Morrissey of Quincy (by request), petition of Louis Dolen relative to the distribution of handguns to minors. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THE DISTRIBUTION OF HANDGUNS TO MINORS.

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 of the General Laws is hereby amended by adding the
2 following section: —

3 *Section . Handgun Distribution Act of 1983.*

4 (a) No *minor* shall possess a handgun or “saturday night spe-
5 cial.”

6 (b) The following penalties shall apply: —

7 No person shall sell, *attempt* to sell or to provide, *or provide* a
8 minor by any means with a handgun; No Minor shall receive a
9 handgun by any means; and,

10 (1) if the minor has been classified as a child in need of services
11 the penalty shall be five years in prison;

12 (2) if the minor is in the jurisdiction of the Department of Youth
13 Services, the penalty shall be four years in prison;

14 (3) if the minor has been adjudicated a delinquent the penalty
15 shall be three years in prison and/or a fine of no more and no less
16 than ten thousand dollars;

17 (4) if the minor was in possession of the handgun while attempt-
18 ing to *or* committing *any* crime, the penalty shall be five years in
19 prison.

20 (c) The penalty provided by this section shall not be substituted
21 with another lessor penalty, or probation or suspended sentence or
22 any combination thereof.

23 (d) Persons convicted pursuant to this section shall not receive
24 parole or be permitted bail prior to *or* upon appeal of a conviction
25 pursuant to this section.

26 (e) A crime described in this section shall not be a bailable
27 offense *or* subject to the statute of limitations.

28 (f) Minors convicted pursuant to this section shall be subject to
29 the jurisdiction of the courts only, not the Department of Youth
30 Services.

31 (g) Persons convicted pursuant to this section who have reached
32 the age of majority prior to conviction shall be transported under
33 guard by a county sheriff or sheriff's deputy or prison guard to a
34 place of community service weekly to perform volunteer services
35 for no more and no less than eight hours of *non-tax* deductible
36 services on a day and time span designated by the court. A minor
37 imprisoned in accordance with this section shall be the same as
38 prescribed by this paragraph. This is in addition to all other
39 penalties prescribed by this section.