

By Hr. Harold (by request), a petition (accompanied by bill, Senate, No. 942) of Louis Dolen for legislation 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 add-
2 ing the following section: —

3 *Section* —. Handgun Distribution Act of 1983.

4 (a) No minor shall possess a handgun or "Saturday night
5 special."

6 (b) The following penalties shall apply: —

7 No person shall sell, attempt to sell or to provide, or pro-
8 vide a minor by any means with a handgun;

9 No minor shall receive a handgun by any means; and, —

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

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

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

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

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

23 (d) Persons convicted pursuant to this section shall not re-
24 ceive parole or be permitted bail prior to or upon appeal of a
25 conviction 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 sub-
29 ject to the jurisdiction of the courts only, not the Department
30 of Youth Services.

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