

By Mr. Alexander of Marblehead, petition of Lawrence R. Alexander for legislation to govern the sale, rental, leasing and record-keeping of certain handguns and amending the law relative to the issuance of licenses to carry firearms and firearms identification cards. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT GOVERNING THE SALE, RENTAL, LEASING AND RECORD-KEEPING OF CERTAIN HANDGUNS AND AMENDING THE LAW RELATIVE TO THE ISSUANCE OF THE LICENSE TO CARRY FIREARMS AND THE FIREARMS IDENTIFICATION CARD.

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 129B of chapter 140 of the General Laws,
2 as most recently amended by chapter 312 of the acts of 1972, is
3 hereby further amended by striking out the first sentence in the
4 fourth paragraph and inserting in place thereof the following: —
5 Said card shall be in a form prescribed by the commissioner and
6 shall contain an identification number, the name and address of
7 the holder, his place and date of birth, his height, weight, hair
8 and eye color, his signature and certification that he has passed
9 the safety examination provided for in section one hundred and
10 twenty-nine E of this chapter and shall be captioned "Firearm
11 Identification Card".

1 SECTION 2. Said section 129B is hereby further amended by
2 striking out the first sentence in the sixth paragraph and inserting
3 in place thereof the following: — Upon receipt of an application
4 for a card and compliance by the applicant with the conditions
5 set forth in section one hundred and twenty-nine E of this chapter,
6 the licensing authority shall forward to the commissioner of public
7 safety a copy of such application and a statement that said

8 applicant has successfully met the requirements of the safety
9 examination and vision requirements in accordance with
10 provisions of said section one hundred and twenty-nine E; said
11 commissioner shall within twenty-one days advise in writing of
12 any disqualifying criminal record, if any, of the applicant and
13 whether there is reason to believe that the applicant is disqualified
14 for any of the foregoing reasons from possessing a card.

1 SECTION 3. Said section 129B is hereby further amended by
2 adding at the end thereof the following: —

3 Notwithstanding the provisions of this section, a firearms
4 identification card may be issued to a person who has not
5 successfully passed the safety examination required by section one
6 hundred and twenty-nine E of this chapter, provided that said
7 person meets all of the other qualification requirements set forth
8 in the first paragraph of this section and that the firearms
9 identification card issued to said person is clearly and specifically
10 designated as being valid only for the purchase of certain kinds
11 of ammunition, as defined in section one hundred and twenty-
12 one of this chapter and known as tear gas cartridges or chemical
13 mace. No firearms identification card so designated may be used
14 for the purchase of firearms, rifles, shotguns or other kinds of
15 ammunition.

1 SECTION 4. Chapter 140 of the General Laws is hereby
2 amended by inserting after section 129D the following: —

3 Section 129E. The commissioner of public safety shall prepare
4 a safety examination, to be comprised of both a written and
5 practical examination in the safe handling and use of firearms,
6 rifles and shotguns, to be administered to each applicant for a
7 firearms identification card issued pursuant to sections one
8 hundred and twenty-nine B or one hundred and thirty-one H and/
9 or for a license to carry firearms issued pursuant to section one
10 hundred and thirty-one of this chapter. Said examination shall
11 be administered by those licensing authorities designated by said
12 commissioner as having adequate facilities to administer such an
13 examination or by sportsmen's clubs designated by said
14 commissioner as being organized within the commonwealth,
15 affiliated with the national rifle association of America and having
16 national rifle association certified marksmanship instructors.

17 Certification of successful completion of said examination need
18 not be renewed.

19 The fee for the administration of said examination shall be
20 determined by the chief of police or the board or officer having
21 control of the policy in a city or town or persons authorized by
22 them, for the purpose of covering material and manpower costs,
23 provided that said fee shall not exceed forty dollars. Said fee shall
24 be paid to the city, town or sportsman club designated by said
25 commissioner to administer said examination for the cost incurred
26 by them for the administration of said examination.

27 Said examination shall be administered by designated licensing
28 authorities or sportsmen's clubs as often as it is deemed necessary
29 by them to service applicants, provided that said examination
30 shall be administered by each of said licensing authorities or
31 sportsmen's clubs at least once every three months.

32 No person shall be allowed to take such examination unless he
33 can produce evidence, in the form of a valid license to operate
34 motor vehicles in the commonwealth, or a statement from a
35 licensed physician, that said person has eyesight correctable to
36 twenty-fourty eyesight.

37 No person who fails to successfully pass said examination may
38 re-take it without first successfully completing a course of
39 instruction, approved by said commissioner, on the safe use and
40 handling of firearms, rifles and shotguns. Said commissioner is
41 hereby authorized to approve courses of instruction on the safe
42 use and handling of firearms, rifles and shotguns conducted by
43 public and/or private agencies, organizations or persons.

44 Said course shall not be less than six hours and shall not exceed
45 eight hours in duration. Any veteran, person serving in the
46 military or person issued a valid permit prior to January the first,
47 nineteen hundred and eighty-seven shall not be required to
48 complete said course.

1 SECTION 5. Section 131 of chapter 140 of the General Laws,
2 as most recently amended by chapter 892 of the acts of 1973, is
3 hereby further amended by striking out the first paragraph and
4 by inserting in its place the following: —

5 The chief of police or the board or officer having control of
6 the police in a city or town, or the commissioner of public safety,
7 or persons authorized by them, respectively after an investigation

8 may, upon the application of any person, including a minor
9 eighteen years of age or older who has the written consent of his
10 parent or guardian, residing or having a place of business within
11 their respective jurisdiction, except an alien, a person who can not
12 submit proof that he has successfully completed, within six
13 months prior to application for a license to carry firearms
14 pursuant to this section, the written and practical examination as
15 prepared by the department of public safety, under section one
16 hundred and twenty-nine E of this chapter, or has been convicted
17 of a felony or of the unlawful use, possession or sale of narcotic
18 or harmful drugs or a minor under the age of eighteen, issue a
19 license to such applicant to carry firearms in the commonwealth
20 or to possess and carry therein a machine gun, if it appears that
21 he is a suitable person to be so licensed, and that he has good
22 reason to fear injury to his person or property, or for any other
23 proper purpose, including the carrying of firearms for use in target
24 practice only; provided, however, that no minor shall be issued
25 a license to possess and carry a machine gun. A license issued to
26 carry a firearm shall be for a period of five years, expiring on the
27 anniversary of the applicant's date of birth occurring not less than
28 four (4) years but not more than five (5) years from the date of
29 issue. Any renewal thereof shall expire on the anniversary of the
30 applicant's date of birth occurring not less than four (4) years but
31 not more than five (5) years from the date of issue. Any renewal
32 thereof shall expire on the anniversary of the applicant's date of
33 birth occurring not less than four (4) years but not more than five
34 (5) years after the effective date of such license.

1 SECTION 6. The provisions of section three of this act shall
2 apply only to firearms identification cards issued after the effective
3 date of this act.