

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to further regulate the sale, rental, leasing and record-keeping of certain handguns, and amending the laws relative to the issuance of licenses to carry firearms and the issuance of firearms identification cards. Public Safety.

The Commonwealth of Massachusetts

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

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 122 chapter 140 of the General Laws is
2 hereby amended by inserting after the word gunsmith, in line 7, the
3 following: — except that no person shall be authorized under this
4 section to sell, rent, or lease handguns with a barrel three inches or
5 less and easily concealed in the palm of the hand or the coat pocket,
6 unless the person seeking to buy, rent, or lease said handgun with a
7 barrel three inches or less is a duly sworn, full time, active police
8 officer in the Commonwealth who must use said handgun in the
9 performance of his duties. No person shall be authorized under this
10 section to sell the component parts of said handgun with a barrel
11 three inches or less.

1 SECTION 2. 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 the

7 holder, his place and date of birth, his height, weight, hair and eye
8 color, his signature and certification that he has passed the safety
9 examination provided for in section one hundred and twenty-nine
10 E of this chapter and shall be captioned "Firearm Identification
11 Card".

1 SECTION 3. 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 for
4 a card and compliance by the applicant with the conditions set
5 forth in section one hundred and twenty-nine E of this chapter, the
6 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 provi-
10 sions of said section one hundred and twenty-nine E; said
11 commissioner shall within twenty-one days advise in writing of any
12 disqualifying criminal record, if any, of the applicant and whether
13 there is reason to believe that the applicant is disqualified for any of
14 the foregoing reasons from possessing a card.

1 SECTION 4. 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 in
8 the first paragraph of this section and that the firearms identifica-
9 tion card issued to said person is clearly and specifically designated
10 as being valid only for the purchase of certain kinds of ammuni-
11 tion, as defined in section one hundred and twenty-one of this
12 chapter and known as tear gas cartridges or chemical mace. No
13 firearms identification card so designated may be used for the
14 purchase of firearms, rifles, shotguns or other kinds of ammuni-
15 tion.

1 SECTION 5. 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
9 and/or for a license to carry firearms issued pursuant to section
10 one 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 commis-
14 sioner as being organized within the commonwealth, affiliated with
15 the national rifle association of America and having national rifle
16 association certified marksmanship instructors. Certification of
17 successful completion of said examination need not be renewed.

18 The fee for the administration of said examination shall be
19 determined by said commissioner for the purpose of covering
20 material and manpower costs, provided that said fee shall not
21 exceed ten dollars. Said fee shall be paid to the commonwealth and
22 kept in a separate fund. The state treasurer shall, subject to
23 appropriation and upon proper application, reimburse licensing
24 authorities and sportsmen's clubs designated by said commissioner
25 to administer said examination, for the cost incurred by them for
26 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 shall
30 be administered by each of said licensing authorities or sportsmen's
31 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 instruc-
39 tion, approved by said commissioner, on the safe use and handling
40 of firearms, rifles and shotguns. Said commissioner is hereby
41 authorized to approve courses of instruction on the safe use and

42 handling of firearms, rifles and shotguns conducted by public
43 and/or private agencies, organizations or persons.

44 Said commissioner shall furnish a booklet, free of charge,
45 describing the requirements of firearm, rifle and shotgun safety to
46 all licensing authorities and to sportsmen's clubs designated by said
47 commissioner to administer safety examinations required by this
48 section. Such booklet shall be made available, free of charge, to all
49 persons who wish to apply for a firearms identification card or
50 license to carry firearms as provided in this chapter.

1 SECTION 6. 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 by
4 inserting in its place the following: —

5 The chief of police or the board or officer having control of the
6 police in a city or town, or the commissioner of public safety, or
7 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 months
13 prior to application for a license to carry firearms pursuant to this
14 section, the written and practical examination as prepared by the
15 department of public safety, under section one hundred and
16 twenty-nine E of this chapter, or has been convicted of a felony or
17 of the unlawful use, possession or sale of narcotic or harmful drugs
18 or a minor under the age of eighteen, issue a license to such
19 applicant to carry firearms in the commonwealth or to possess and
20 carry therein a machine gun, if it appears that he is a suitable
21 person to be so licensed, and that he has good reason to fear injury
22 to his person or property, or for any other proper purpose,
23 including the carrying of firearms for use in target practice only;
24 provided, however, that no minor shall be issued a license to
25 possess and carry a machine gun. A license issued to carry a firearm
26 shall be for a period of five years, expiring on the anniversary of the
27 applicant's date of birth occurring not less than four (4) years but
28 not more than five (5) years from the date of issue. Any renewal
29 thereof shall expire on the anniversary of the applicant's date of

30 birth occurring not less than four (4) years but not more than five
31 (5) years after the effective date of such license. No license issued
32 pursuant to this section shall be renewed unless the licensee can
33 furnish evidence that he has successfully passed the safety examina-
34 tion provided for by section one hundred and twenty-nine E within
35 six months prior to said renewal.

1 SECTION 7. 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.

1 SECTION 8. Chapter 140 of the General Laws is hereby
2 amended by inserting after section 131I the following: —

3 *Section 131J.* The chief of police or the board or officer having
4 control of the police in a city or town shall compile and forward
5 annually to the commissioner of public safety records for the
6 number of crimes committed within their respective jurisdictions
7 with the use of a firearm and whether or not the individual
8 committing such crimes possessed a valid license under section
9 129B or section 131, whether the firearm was legally or illegally
10 obtained and the the origin of such firearms used during the
11 commission of such crimes.

1 SECTION 9. The effective date of this act shall be January 1,
2 1985.

