

Substituted by the House, on motion of Mr. Caron of Springfield, for a bill with the same title (House, No. 5688). December 30.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO FIREARMS.

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 122B of chapter 140 of the General Laws,
2 is appearing in the 1992 Official Edition, is hereby amended by
3 inserting after the word "revoked", in line 30, the following
4 words: — other than as a result of an order issued pursuant to
5 section three B of chapter two hundred and nine A.

1 SECTION 2. Section 129B of said chapter 140, as so
2 appearing, is hereby amended by inserting after the word "alien"
3 in line 29, the following words: — or (g) is the subject of a
4 temporary or permanent vacate, restraining, refrain from abuse
5 or no contact order or judgment issued pursuant to chapter two
6 hundred and nine A.

1 SECTION 3. Said section 129B of said chapter 140, as so
2 appearing, is hereby amended by inserting after the word "card",
3 in line 46, the following words: — other than as a result of an
4 order issued pursuant to section three B of chapter two hundred
5 and nine A.

1 SECTION 4. Section 131 of said chapter 140, as so appearing,
2 is hereby amended by inserting after the word "drugs,", in line 28,
3 the following words: — a person who is the subject of a temporary
4 or permanent vacate, restraining, refrain from abuse or no contact
5 order or judgment issued pursuant to chapter two-hundred and
6 nine A.

1 SECTION 5. Section 131E of said chapter 140, as so
2 appearing, is hereby amended by striking out, in lines 22 to 25,
3 inclusive, the words, “five hundred nor more than one thousand
4 dollars, or by imprisonment for not less than six months nor more
5 than two years in a jail or house of correction”, and inserting in
6 place thereof the following words: — one thousand dollars nor
7 more than fifty thousand dollars, or by imprisonment for not less
8 than two and one-half nor more than ten years in a state prison.

1 SECTION 6. Chapter 209A of the General Laws is hereby
2 amended by inserting after section 3A the following section: —

3 Section 3B. Upon issuance of an order under this chapter, the
4 court shall, if the complainant alleges facts to support a finding
5 that the defendant represents a credible threat to the physical
6 safety of the complainant, order the immediate suspension of any
7 license to carry firearms or firearms identification card which the
8 defendant may hold and order the defendant to surrender all
9 firearms, rifles, shotguns, machine guns and ammunition which
10 he then possesses in accordance with the conditions described in
11 section one hundred and twenty-nine D of chapter one hundred
12 and forty, and any license to carry firearms or firearms
13 identification cards which the defendant may hold shall be
14 surrendered to the issuing authority. Notice of such suspension
15 and ordered surrender shall be appended to the copy of abuse
16 prevention order served on the defendant pursuant to section
17 seven of chapter two hundred and nine A. Any defendant
18 aggrieved by the suspension of a license to carry firearms or
19 firearms identification card by reason of the issuance or existence
20 of a temporary or permanent vacate, restraining, refrain from
21 abuse or no contact order or judgment issued pursuant to this
22 chapter may appeal to the court who issued such suspension for
23 a review of such action and further that such review shall be heard
24 no later than ten court business days after receipt of the notice
25 of the appeal. If said license to carry firearms or firearms
26 identification card has been suspended upon the issuance of a
27 temporary order, the appeal may be heard contemporaneously
28 with the question of continuing the temporary order and granting
29 other relief requested by the plaintiff as set forth in section four
30 of chapter two hundred and nine A.

31 A licensing authority pursuant to chapter one hundred and
32 forty who receives any firearm, rifle, shotgun, machine gun,
33 ammunition, license to carry firearms or firearms identification
34 card surrendered pursuant to the provisions of this section shall
35 transport and present to the state police all said items. Said state
36 police shall immediately issue a receipt specifying where said item
37 will be held to such licensing authority and shall forward a
38 duplicate copy of said receipt to the owner of said item within
39 seven days of receiving said item. Said state police shall store and
40 keep all said items safely and securely until an item is returned
41 to its owner. Any item stored by said state police pursuant to such
42 order which is not lawfully reclaimed by its owner within one year
43 after such order has been vacated or has expired shall be disposed
44 of pursuant to chapter two hundred and fifty-seven; provided,
45 however, that if said property is sold, fifty percent of the proceeds
46 shall be returned to said state police and the other fifty percent
47 shall be returned to the licensing authority to whom said item was
48 surrendered. The colonel of said state police is hereby authorized
49 and directed to promulgate rules and regulations to carry out the
50 provisions of this section.

1 SECTION 7. Section seven of chapter two hundred and
2 nine A is hereby amended by inserting after the word "summons",
3 in line 29, the following words: — and notice of any suspension
4 or surrender order pursuant to section three B of this chapter.

1 SECTION 8. Chapter 269 of the General Laws, is hereby
2 amended by inserting after section 10D the following section: —

3 Section 10E. Whoever, except as provided by law, in a single
4 transaction or occurrence or within a twenty-four hour period,
5 knowingly or intentionally distributes, sells, or transfers
6 possession of a quantity of firearms, rifles, shotguns, machine
7 guns, or any combination thereof, shall, if the quantity of firearms,
8 rifles, shotguns, machine guns, or any combination thereof is:

9 (1) three or more, but less than ten, be punished by a term of
10 imprisonment of not more than ten years in the state prison. No
11 sentence imposed under the provisions of this paragraph shall be
12 for less than a mandatory minimum term of imprisonment of three
13 years and a fine of not more than fifty thousand dollars may be

14 imposed but not in lieu of the mandatory minimum term of
15 imprisonment, as established herein;

16 (2) ten or more, but less than twenty, be punished by a term
17 of imprisonment of not more than ten years in the state prison.
18 No sentence imposed under the provisions of this paragraph shall
19 be for less than a mandatory minimum term of imprisonment of
20 five years and a fine of not more than fifty thousand dollars may
21 be imposed but not in lieu of the mandatory minimum term of
22 imprisonment, as established herein;

23 (3) twenty or more, be punished by a term of imprisonment
24 not less than ten years up to life imprisonment in the state prison.
25 No sentence imposed under the provisions of this paragraph shall
26 be for less than a mandatory minimum term of imprisonment
27 of ten years and a fine of not more than fifty thousand dollars
28 may be imposed but not in lieu of the mandatory minimum term
29 of imprisonment, as established herein.

30 A prosecution commenced under this section shall not be placed
31 on file or continued without a finding, and the sentence imposed
32 upon a person convicted of violating any provision of this section
33 shall not be reduced to less than the mandatory minimum term
34 of imprisonment as established in this section, nor shall any
35 sentence of imprisonment imposed upon any person be suspended
36 or reduced until such person shall have served said mandatory
37 minimum term of imprisonment.

38 A person convicted of violating any provision of this section
39 shall not, until he shall have served the mandatory minimum term
40 of imprisonment established herein, be eligible for probation,
41 parole, furlough, work release, or receive any deduction from his
42 sentence for good conduct under sections one hundred and
43 twenty-nine, one hundred and twenty-nine A, one hundred and
44 twenty-nine C and one hundred and twenty-nine D of chapter one
45 hundred and twenty-seven; provided, however, that the
46 commissioner of corrections may, on the recommendation of the
47 warden, superintendent, or other person in charge of the
48 correctional institution, grant to said offender a temporary release
49 in the custody of an officer of such institution for the following
50 purposes: (i) to attend the funeral of a relative, (ii) to visit a
51 critically ill relative, or (iii) to obtain emergency medical or
52 psychiatric services unavailable at said institution. The provisions

53 of section eighty-seven of chapter two hundred and seventy-six
54 shall not apply to any person, seventeen years of age or over,
55 charged with a violation of said sections one hundred and twenty-
56 nine, one hundred and twenty-nine A, one hundred and twenty-
57 nine C, and one hundred and twenty-nine D, or to any child
58 between the age of fourteen and seventeen, so charged, if the court
59 is of the opinion that the interests of the public require that he
60 shall be tried for such offense instead of being dealt with as a child.

1 SECTION 9. The secretary of the executive office of public
2 safety and the colonel of the state police are hereby directed to
3 report to the joint committee on public safety and the house and
4 senate committees on ways and means by April first, nineteen
5 hundred and ninety-four on their plans to store and secure any
6 item surrendered pursuant to this chapter as well as any
7 appropriation deemed necessary to carry out the provisions of this
8 act.

1 SECTION 10. Sections one, two, three, four, six, seven and
2 nine of this act shall take effect on July first, nineteen hundred
3 and ninety-four.

