

By Mr. Caron of Springfield, petition of the Mass. Chiefs of Police Association and Paul E. Caron relative to authorizing the commercial storage of firearms surrendered to or confiscated by police. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE COMMERCIAL STORAGE OF FIREARMS SURRENDERED TO OR CONFISCATED BY THE POLICE.

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. The provisions of Section 129D of Chapter 140
2 of the General Laws, appearing in the 1994 Official Edition, are
3 hereby amended as follows: —

4 (a) insert after the word “surrender”, on line 6 the phrase “to a
5 federally and state licensed firearms dealer who operates a bonded
6 warehouse which is also equipped with a safe for the secure
7 storage of handguns and who places each received item into an
8 individual weapon storage box or”;

9 (b) insert after the word “authority” on lines 6 and 15 the words
10 “or firearms dealer operating a bonded warehouse”;

11 (c) insert after the word “surrender” on line 10 the words “to
12 the licensing authority”; and

13 (d) insert after the second paragraph a new paragraph as
14 follows:

15 Firearms, rifles, shotguns, or machine guns and ammunition not
16 disposed of after delivery or surrender to a firearms dealer oper-
17 ating a bonded warehouse which is also equipped with a safe for
18 the secure storage of handguns according to the provisions of this
19 section shall, if such firearms dealer so directs be sold at public
20 auction by a licensed auctioneer to the highest bidding person
21 legally permitted to purchase and possess said firearms, rifles,
22 shotguns or machine guns and ammunition and the proceeds, after

23 the payment of all storage charges and sales expenses, shall be
24 remitted to the state treasurer. Notwithstanding the provisions of
25 any general or special law to the contrary, a licensing authority
26 may deliver to a federally and state licensed dealer who operates a
27 bonded warehouse which is also equipped with a safe for the
28 secure storage of handguns any firearm, rifle, shotgun, machine
29 gun and ammunition which has been held for more than one year
30 regardless of how it came into the possession of said licensing
31 authority so long as there are no pending court cases involving the
32 use, possession or ownership of such items. Said items may be
33 held in storage at said bonded warehouse or auctioned as provided
34 for in this section.

1 SECTION 2. The provisions of Section 3B of Chapter 209A of
2 the General Laws, as appearing in the 1994 Official Edition, are
3 amended as follows:

4 (a) by adding the word "surrendered" on line 10 the following
5 phrase: "to a federally and state licensed firearms dealer who
6 operates a bonded warehouse which is also equipped with a safe
7 for the secure storage of handguns, and who places each received
8 item into an individual weapon storage box, or";

9 (b) Section 9 of Chapter 24 of the Acts of 1994 shall be
10 amended by adding the following paragraph at the end of said
11 Section 9: —

12 Notwithstanding the foregoing, a licensed authority may deliver
13 to a federally and state licensed firearms dealer who operates a
14 bonded warehouse which is also equipped with a safe for the
15 secure storage of handguns, any firearm, rifle, shotgun, machine
16 gun or ammunition. Said dealer shall inspect the item, issue a
17 receipt, make note of its condition, assign a fair market value,
18 place it in weapon storage box, and store and keep all items safely
19 and securely in accordance with standards set forth by the
20 Executive Office of Public Safety. The owner shall have the oblig-
21 ation to pay all storage charges. The owner shall also have the
22 right, so long as all storage charges are paid, at any time up to one
23 year after any such order has been issued, to transfer such
24 firearms, rifles, shotguns, machine guns or ammunition to a
25 licensed dealer. Any item stored by the dealer in its bonded ware-

26 house pursuant to such order which is not lawfully reclaimed by
27 its owner within one year after such order has expired or has been
28 vacated, or when the unpaid storage charges exceed the fair
29 market value of the item, may be auctioned in conformity with the
30 provisions of section 129D of Chapter 140 of the General Laws.

