

**HOUSE . . . . . No. 1516**

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 1516) of David P. Linsky and others for legislation to prevent the illegal trafficking of firearms. The Judiciary.

**The Commonwealth of Massachusetts**

PRESENTED BY:

**David P. Linsky**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prevent bulk purchasing and illegal trafficking of firearms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David P. Linsky	5th Middlesex
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
Patricia D. Jehlen	Second Middlesex
Thomas P. Conroy	13th Middlesex
Susan C. Fargo	Third Middlesex
Cory Atkins	14th Middlesex

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT TO PREVENT BULK PURCHASING AND ILLEGAL TRAFFICKING OF 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. Subclause (j) of clause twenty-sixth of section 7 of chapter 4 of the General  
2 Laws is hereby amended by inserting after the word "cards", in line 178, the following words: - , but such  
3 names and addresses shall be made available to law enforcement or other investigative officials, including  
4 district attorneys, assistant district attorneys, the attorney general and assistant attorneys general for  
5 purposes of enforcing subsection (c) of section 131E of chapter 140.

6           SECTION 2. Subsection (d) of section 10 of chapter 66 of the General Laws, as so appearing, is hereby  
7 amended by inserting after the word "six", in line 60, the following words: - , including, but not limited  
8 to, such agencies enforcing subsection (c) of section 131E of chapter 140.

9           SECTION 3. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by  
10 striking the striking the words "forthwith at" in the section beginning with "Fifth," and replacing it with  
11 the words: - within thirty minutes of.

12           SECTION 4. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby amended by  
13 inserting after the word "condition.", in line 229, the following sentences: - Twenty-second, That no  
14 licensee shall sell, rent or lease a firearm or large capacity weapon without first: (i) obtaining a signed  
15 declaration from the purchaser, renter or lessee, on a form furnished by the executive director of the  
16 criminal history systems board, that such individual has not purchased, rented or leased, as those terms  
17 are used in section 121 and subsection (c) of section 131E of this chapter, any firearm or large capacity  
18 weapon during the previous 30 days, or that such individual is an exempt person as set forth under  
19 subsection (c) of section 131E of this chapter; (ii) forwarding such declaration to the executive director of  
20 the criminal history systems board; and (iii) receiving notification from the criminal history systems  
21 board that the purchaser, renter or lessee has not purchased, rented or leased any firearm or large capacity  
22 weapon during the previous 30 days, or that such individual is an exempt person as set forth under  
23 subsection (c) of section 131E of this chapter. Such notification from the criminal history systems board

24 shall be valid for no more than two business days after the criminal history systems board issues the  
25 notification, after which time the licensee must receive a new notification before completing a sale, rental  
26 or lease of a firearm or large capacity weapon to such purchaser, renter or lessee. Such declaration from  
27 the purchaser, renter or lessee shall not be a defense in any action brought against a licensee.

28 SECTION 5. Section 128 of said chapter 140 of the General Laws, as so appearing, is hereby amended  
29 by replacing " or" after the word "twentieth" with "," and inserting after the word "twenty-first", the  
30 words: - or twenty-second.

31 SECTION 6. Section 128A of said chapter 140 of the General Laws, as so appearing, is hereby  
32 amended by striking, "reports within seven days, in writing to the executive director of the criminal  
33 history systems board on forms furnished by said executive director, the names and addresses of the seller  
34 and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun, together with a  
35 complete description of the firearm, rifle or shotgun, including its designation as a large capacity weapon,  
36 if applicable, the calibre, make and serial number and the purchaser's license to carry firearms number,  
37 permit to purchase number and identifying number of such documentation as is used to establish exempt  
38 person status in the case of a firearm or the purchaser's license to carry number or firearm identification  
39 card number or said document identity number, in the case of a rifle or shotgun," and inserting: - "shall  
40 complete all sales, rentals and leases of firearms, rifles, shotguns, and large capacity feeding devices  
41 through a person licensed pursuant to section 122 by delivering the firearm, rifle, shotgun, or large  
42 capacity feeding device to the licensee who shall then deliver the firearm, rifle, shotgun, or large capacity  
43 feeding device to the purchaser, renter or lessee, if the sale, rental, or lease is not prohibited, in  
44 accordance with section 123 of this chapter as if the licensee was selling, renting or leasing the firearm,  
45 rifle, shotgun, or large capacity feeding device directly to the purchaser, renter or lessee. The dealer may  
46 require the purchaser, renter or lessee to pay a fee not to exceed ten dollars (\$10) per firearm, rifle,  
47 shotgun, or large capacity feeding device."

48 SECTION 7. Paragraph (1) of section 129B of said chapter 140, as so appearing, is hereby amended by  
49 adding the following three clauses: -

50 (viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to section 3B or  
51 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a permanent or temporary  
52 protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

53 (ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

54 (x) has been convicted of a violation of subsection (c) of section 131E of this chapter."

55 SECTION 8. Paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby amended by  
56 the following three subparagraphs: -

57 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or 3C  
58 of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary  
59 protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

60 (vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction; or

61 (viii) has been convicted of a violation of subsection (c) of section 131E of this chapter."

62 SECTION 9. Section 131A of said chapter 140 of the General Laws, as so appearing, is hereby  
63 amended by inserting after the words "proper purpose", in line 5, the following words: - and does not  
64 violate the firearm or large capacity weapon purchase, rental or lease limitation in subsection (c) of  
65 section 131E of this chapter.

66 SECTION 10. Section 131E of said chapter 140 of the General Laws, as so appearing, is hereby  
67 amended by adding the following subsection: -

68 (c) no person, other than an exempt person hereinafter described, shall purchase, rent or lease more  
69 than one firearm or large capacity weapon in any 30 day period. The term "rent or lease" as used herein  
70 shall not apply to the rental or lease of a firearm or large capacity weapon for a duration of less than 48  
71 hours, provided, however that such firearm is rented or leased from a licensee who is licensed under the  
72 provisions of section 122 and subject to the conditions described in section 123.

73 The provisions of this subsection shall not apply to the following persons and uses:

74 (1) Any law enforcement agency or authority;

75 (2) Any branch of the United States military, including the national guard;

76 (3) Any persons in any branch of the United States military or police officers and other peace officers  
77 who are acquiring firearms for the purposes of performing their official duties or when duly authorized by  
78 their employer to purchase them;

79 (4) Any licensed watch, guard or patrol agency or their licensed employees in the course of their  
80 employment under sections 22 and 25 of chapter 147;

81 (5) Any person who has been certified as a licensed collector by the criminal history systems board;

82 (6) A federal, state or local historical society, museum or institutional collector open to the public;

83 (7) Any exchange of a firearm or large capacity weapon for another firearm or large capacity weapon  
84 purchased, rented or leased from the licensed dealer by the same person seeking the exchange within 30  
85 days immediately before the exchange;

86 (8) A firearms surrender program authorized by and in compliance with section 131O of this chapter.

87 A non-exempt person who purchases, rents or leases more than one firearm or large capacity weapon in  
88 any 30 day period shall be punished, for a first offense, by a fine of not more than \$1,000, or by  
89 imprisonment for not more than six months, or by both such fine and imprisonment; and for any  
90 subsequent offense shall be punished by a fine of not less than \$1,000 and not more than \$5,000, or by  
91 imprisonment for not more than two and one-half years, or by both such fine and imprisonment. The  
92 punishments under this subsection shall be separate from the procedures established for the denial,  
93 revocation or suspension of firearm identification cards, licenses and permits provided under this chapter.

94 Any person or licensee who sells, rents or leases a firearm or large capacity weapon to a non-exempt  
95 person under this section, with knowledge or reason to know that the person has purchased, rented or

96 leased a firearm or large capacity weapon within the previous thirty days shall be punished, for a first  
97 offense, by a fine of not more than \$5,000 or by imprisonment of not more than two and one-half years,  
98 or by both such fine and imprisonment; and for any subsequent offense shall be punished by a fine of not  
99 less than \$1,000 and not more than \$10,000 or by imprisonment for not more than five years, or by both  
100 such fine and imprisonment. These punishments shall be separate from the procedures established for the  
101 denial, revocation or suspension of firearm identification cards, licenses and permits provided under this  
102 chapter.