

# **HOUSE . . . . . No. 4278**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 9, 2014.

The committee on Ways and Means to whom was referred the Bill relative to the reduction of gun violence (House, No. 4121), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4278) [Representatives Turner of Dennis, Beaton of Shrewsbury and Diehl of Whitman of dissenting].

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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An Act relative to the reduction of gun violence.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the sale and possession of firearms in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 167A of chapter 6 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting the following paragraph:-

3           (h) Notwithstanding any general or special law or court order, including an order of  
4 impoundment, to the contrary, the department shall transmit to the attorney general of the United  
5 States any information in its control required or permitted under federal law to be included in the  
6 National Instant Background Check System or any successor system maintained for the purpose  
7 of conducting background checks for firearms sales or licensing. No more information than is  
8 necessary for the purposes stated above shall be transmitted, and such information shall not be  
9 considered a public record under section 7 of chapter 4 and section 10 of chapter 66.

10           SECTION 2. Subsection (a) of section 172 of said chapter 6, as so appearing, is hereby  
11 amended by adding the following clause:-

12           (31) A person licensed pursuant to section 122 of chapter 140 may obtain from the  
13 department data permitted under section 172L.

14           SECTION 3. Said chapter 6 is hereby further amended by inserting after section 172K  
15 the following section:-

16           Section 172L. Notwithstanding section 172 or any other general or special law to the  
17 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the

18 department all available criminal offender record information prior to accepting any person as an  
19 employee to determine the suitability of such employees who may have direct and unmonitored  
20 contact with firearms, shotguns or rifles. Any person obtaining information pursuant to this  
21 section shall not disseminate such information for any purpose other than the further protection  
22 of public safety.

23 SECTION 4. Section 6 of chapter 22C of the General Laws, as appearing in the 2012  
24 Official Edition, is hereby amended by adding the following paragraph:-

25 There shall be within the division a special unit known as the criminal firearms and  
26 trafficking unit, which shall assist the offices of the attorney general and district attorneys in  
27 investigating and prosecuting all state firearm crimes.

28 SECTION 5. Chapter 69 of the General Laws, as appearing in the 2012 Official Edition,  
29 is hereby amended by adding after section 1O the following section:-

30 Section 1P. (a) As used in this section the term “safe and supportive schools” shall mean  
31 schools that foster a safe, positive, healthy and inclusive whole-school learning environment that  
32 (i) enables students to develop positive relationships with adults and peers, regulate their  
33 emotions and behavior, achieve academic and non-academic success in school and maintain  
34 physical and psychological health and well-being; and (ii) integrates services and aligns  
35 initiatives that promote students’ behavioral health, including social and emotional learning,  
36 bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children’s mental  
37 health, the education of foster care and homeless youth, the inclusion of students with  
38 disabilities, positive behavioral approaches that reduce suspensions and expulsions and other  
39 similar initiatives.

40 (b) There shall be within the department of elementary and secondary education, a safe  
41 and supportive schools framework. The framework shall provide guidance and support to  
42 schools in order to assist with the creation of safe and supportive schools that improve the  
43 education outcomes for students. The framework shall include, but not be limited to, the  
44 following elements of school operations:

45 (i) leadership by school administrators to create structures within schools that promote  
46 collaboration between schools and behavioral health providers within the scope of confidentiality  
47 laws;

48 (ii) professional development for school personnel and behavioral health service  
49 providers that: clarifies roles and promotes collaboration within the scope of confidentiality laws;  
50 increases cultural competency; increases school personnel’s knowledge of behavioral health  
51 symptoms, the impact of these symptoms on behavior and learning, and the availability of  
52 community resources; enhances school personnel’s skills to help children form meaningful  
53 relationships, regulate their emotions, behave appropriately and succeed academically, and to

54 work with parents who may have behavioral health needs; increases providers' skills to identify  
55 school problems and to provide consultation, classroom observation and support to school  
56 personnel, children and their families; and increases school personnel's and providers'  
57 knowledge of the impact of trauma on learning, relationships, physical well being and behavior,  
58 and of school-wide and individual approaches that help traumatized children succeed in school;

59 (iii) access to clinically, linguistically and culturally-appropriate behavioral health  
60 services, including prevention, early intervention, crisis intervention, screening, and treatment,  
61 especially for children transitioning to school from other placements, hospitalization, or  
62 homelessness, and children requiring behavioral health services pursuant to special education  
63 individual education plans;

64 (iv) academic and non-academic supports that build upon students' strengths, promote  
65 success in school, maximize time spent in the classroom and minimize suspensions, expulsions,  
66 and other removals for students with behavioral health challenges;

67 (v) policies and protocols for referrals to behavioral health services that minimize time  
68 out of class, safe and supportive transitions to school, consultation and support for school staff,  
69 confidential communication, appropriate reporting of child abuse and neglect under section 51A  
70 of chapter 119 of the General Laws, and discipline that focuses on reducing suspensions and  
71 expulsions and that balances accountability with an understanding of the child's behavioral  
72 health needs and trauma;

73 (vi) policies and protocols for a truancy prevention program certification by the  
74 department which may include mechanisms to provide technical assistance to school districts and  
75 to encourage each school district to adopt and implement a truancy prevention program which  
76 meets the certification criteria; and

77 (vii) collaboration with families.

78 (c) Each school district and individual public school shall implement the safe and  
79 supportive schools framework in order to organize, integrate and sustain school and district-wide  
80 efforts to create safe and supportive school environments; and coordinate and align student  
81 support initiatives.

82 (d) The department shall implement a safe and supportive schools framework self-  
83 assessment tool. The self-assessment tool shall be organized according to the elements of the  
84 framework established pursuant to subsection (b), and shall be used by schools to: (i) assess their  
85 capacity to create and sustain safe and supportive school environments for all students; (ii)  
86 identify areas where additional school-based action, efforts, guidance and support are needed in  
87 order to create and maintain safe and supportive school environments; and (iii) create action  
88 plans to address the areas of need identified by the assessment.

89           The board shall develop procedures for updating, improving or refining the safe and  
90           supportive schools framework and the safe and supportive schools self-assessment tool, in  
91           consultation with the safe and supportive schools commission established under subsection (h).

92           (e) Each school shall develop and implement an action plan to create and maintain the  
93           safe and supportive schools framework. The action plan shall be developed by the school  
94           principal, in consultation with the school council established under section 59C of chapter 71,  
95           and shall be incorporated into the annual school improvement plan required under section 1I;  
96           provided, however, that the district superintendent may approve an alternative process and  
97           schedule for developing school action plans. Nothing in this section shall be construed as  
98           limiting the ability of the school principal to appoint a team for the purpose of developing the  
99           school's action plan; provided, however, that such team shall include a broad representation of  
100          the school and local community and the principal shall make every effort to include teachers and  
101          other school personnel, parents, students and representatives from community-based agencies  
102          and providers.

103          School action plans shall be designed to address the areas of need identified through the  
104          use of the self-assessment tool described in subsection (b), and shall include the following: (i)  
105          strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a  
106          timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for  
107          evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may  
108          include attendance and graduation rates, bullying incidences, number of student suspensions,  
109          expulsions and office referrals, truancy and tardiness rates, time spent on learning and other  
110          measures of school success; and (iv) a process and schedule for reviewing the plan annually and  
111          updating it at least once every 3 years.

112          (f) Each school district shall include in its 3 year district improvement plan required  
113          under section 1I a description of the steps the district will take to support the district-wide  
114          implementation of the safe and supportive schools framework and to facilitate regional  
115          coordination with behavioral health providers and other community organizations.

116          Each district shall publish on its website all school action plans created under subsection  
117          (c) for each school in the district.

118          (g) The department shall facilitate and oversee the statewide implementation of the safe  
119          and supportive schools framework. The department shall: (i) provide technical assistance to  
120          schools on using the self-assessment tool and developing school action plans, and to districts on  
121          coordinating with community service providers and developing strategies to facilitate the  
122          district-wide implementation of the framework; (ii) develop and disseminate model protocols  
123          and practices identified in the framework; (iii) establish a safe and supportive schools grant  
124          program, subject to appropriation, wherein grantees shall pilot and share with other schools an  
125          effective process for developing and implementing school action plans; (iv) update its website to

126 include the framework, the self-assessment tool, best practices and other information related to  
127 the implementation of the framework; (v) host regional trainings for schools and districts, subject  
128 to appropriation; and (vi) provide administrative support to the safe and supportive schools  
129 commission established under subsection (e), subject to appropriation. Nothing in this section  
130 shall be construed as limiting the ability of the department to contract with individuals, external  
131 partners or other entities to support the functions established under this section; provided,  
132 however, that the department shall consider opportunities for education collaboratives or other  
133 regional service organizations to coordinate and disseminate training, technical assistance and  
134 information to school districts on the implementation of the framework.

135 (h) There shall be a safe and supportive schools commission to collaborate with and  
136 advise the department on the statewide implementation of the framework. The commission shall  
137 also support and provide feedback on the statewide implementation of the framework by the  
138 department. The commission shall consist of 18 members: 1 of whom shall be the commissioner  
139 of elementary and secondary education, or a designee, who shall serve as co-chair; 1 of whom  
140 shall be the secretary of education, or a designee; 1 of whom shall be a school superintendent  
141 appointed by the Massachusetts Association of School Superintendents; 1 of whom shall be a  
142 school committee member appointed by the Massachusetts Association of School Committees; 1  
143 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School  
144 Administrators' Association and the Massachusetts Elementary School Principals Association; 1  
145 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the  
146 American Federation of Teachers Massachusetts; 1 of whom shall be a director of special  
147 education or director of student support services appointed by the Massachusetts Administrators  
148 for Special Education; 1 of whom shall be an executive director of an education collaborative  
149 appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a  
150 school psychologist appointed by the Massachusetts School Psychologists Association; 1 of  
151 whom shall be a school social worker appointed by the Massachusetts Chapter of the National  
152 Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance  
153 counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a  
154 school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an  
155 advocate with experience in education, behavioral health and the impact of trauma on learning  
156 appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the  
157 Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1  
158 of whom shall be a student appointed by the Board of Elementary and Secondary Education  
159 Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of  
160 whom shall be a former member of the behavioral health and public schools task force who  
161 participated in the development and statewide evaluation of the self-assessment tool; 1 of whom  
162 shall be a former member of the behavioral health and public schools task force with experience  
163 implementing the framework; and 1 of whom shall be a representative from a community-based  
164 organization that provides services as part of the children's behavioral health initiative and that  
165 provides mental health services in schools. The commission shall select a co-chair from among

166 its appointees. The commission shall prepare and submit an annual progress report concerning  
167 the commission's activities with appropriate recommendations, together with drafts of legislation  
168 necessary to carry out such recommendations, if any, on or before December 31.

169 The commission shall: (i) investigate and make recommendations to the board on  
170 updating, improving and refining the framework and the self-assessment tool as appropriate; (ii)  
171 identify strategies for increasing schools' capacity to carry out the administrative functions  
172 identified by the behavioral health and public schools task force; (iii) propose steps for  
173 improving schools' access to clinically, culturally and linguistically appropriate services; (iv)  
174 identify and recommend evidenced-based training programs and professional development for  
175 school staff on addressing students' behavioral health and creating safe and supportive learning  
176 environments; (v) identify federal funding sources that can be leveraged to support the statewide  
177 implementation of the framework; (vi) develop recommendations on best practices for  
178 collaboration with families, including families of children with behavioral health needs; and (vii)  
179 examine and recommend model approaches for integrating school action plans, required under  
180 subsection (e), with school improvement plans and for using the framework to organize other  
181 school and district improvement processes.

182 The commission may collect and review data and feedback from schools as they  
183 complete the self-assessment tool and develop school action plans, and may convene  
184 stakeholders to facilitate solutions to challenges as they arise during the implementation process.  
185 The commission may request from the department such information and assistance as may be  
186 necessary to complete its work.

187 The commission shall consult with and solicit input from various persons and groups,  
188 including, but not limited to: (i) the office of the child advocate; (ii) the department of early  
189 education and care; (iii) the department of children and families; (iv) the department of mental  
190 health; (v) the department of public health; (vi) the department of youth services; (vii) the  
191 department of developmental services; and (viii) any other parties or entities the commission  
192 deems appropriate.

193 SECTION 6. Chapter 71 of the General Laws is hereby amended by inserting after  
194 section 37O the following 3 sections:-

195 Section 37P. (a) As used in this section the following words shall, unless the context  
196 clearly requires otherwise, have the following meanings:-

197 "Chief of police", the chief of police or the board or officer having control of the police  
198 in a city or town.

199 "School resource officer", a duly sworn municipal police officer with all necessary  
200 training, up-to-date certificates or a special officer appointed by the chief of police charged with  
201 providing law enforcement and security services to elementary and secondary public schools.

202 For the purpose of this section a school resource officer shall be exempt under section 10(j) of  
203 chapter 269.

204 (b) The school department of a city or town, a regional school district or a county  
205 agricultural school shall, subject to appropriation, employ at least 1 school resource officer to  
206 serve the city, town, regional school district or county agricultural school. The chief of police, in  
207 consultation with the superintendent, shall appoint the school resource officer. In the case of a  
208 regional school district or county agriculture school, the chief of police of the city or town where  
209 the school lies, in consultation with the superintendent, shall appoint the school resource officer.

210 In appointing school resource officers, chiefs of police shall consider candidates that they  
211 believe would strive to foster an optimal learning environment and educational community. The  
212 appointment shall not be based solely on seniority. The performance of school resource officers  
213 shall be reviewed annually by the superintendent and the chief of police.

214 (c) Upon written application by a school department of a city or town, a regional school  
215 district or a county agricultural school, the secretary of elementary and secondary education may  
216 waive the requirements of this section if the secretary believes a school resource office would not  
217 assist that particular city or town, a regional school district or a county agricultural school to  
218 ensure safe schools.

219 (d) The department of elementary and secondary education shall promulgate any rules or  
220 regulations necessary to carry out this section.

221 Section 37Q. (a) As used in this section the following words shall, unless the context  
222 clearly requires otherwise, have the following meanings:-

223 “Approved private day or residential school”, a school that accepts, through agreement  
224 with a school committee, a child requiring special education pursuant to section 10 of chapter  
225 71B.

226 “Charter school”, commonwealth charter schools and Horace Mann charter schools  
227 established pursuant to section 89.

228 “Collaborative school”, a school operated by an educational collaborative established  
229 pursuant to section 4E of chapter 40.

230 “Plan”, a mental health support plan established pursuant to subsection (b).

231 “School district”, the school department of a city or town, a regional school district or a  
232 county agricultural school.

233 (b) Each school district, charter school, approved private day or residential school and  
234 collaborative school shall develop and adhere to a plan to address the general mental health  
235 needs of its students, including their families, teachers and school administrators. Each plan shall



236 also address the potential need for emergency and acute treatment for students, including their  
237 families, teachers and school administrators as a result of a tragedy or crisis within the district or  
238 school. Before September 1 of each year, each school district, charter school, approved private  
239 day or residential school and collaborative school shall review and update its plan to achieve best  
240 practices.

241 (c) The department of elementary and secondary education shall promulgate any rules or  
242 regulations necessary to carry out this section.

243 Section 37R. As used in this section the following words shall, unless the context clearly  
244 requires otherwise, have the following meanings:-

245 “School”, any school administered by a school department of a city or town or regional  
246 school district, any county agricultural school, any commonwealth charter school or Horace  
247 Mann charter school established pursuant to section 89 or any educational collaborative  
248 established pursuant to section 4E of chapter 40.

249 “Two-way communication device”, a device capable of transmitting, conveying, or  
250 routing real-time, two-way voice communications through radio frequency.

251 Every school shall, subject to appropriation, possess and have access to a two-way  
252 communication device to be used solely for communicating with police and fire departments of  
253 the city or town where the school lies during an emergency situation.

254 SECTION 7. Said chapter 71 is hereby further amended by adding the following section:-

255 Section 95. (1) The department shall adopt rules to require that all public school districts  
256 provide at least 2 hours of suicide awareness and prevention training every 3 years to all school  
257 personnel. Any new hire shall obtain the training within 90 days of being hired. The training  
258 shall be provided within the framework of existing in-service training programs offered by the  
259 department or as part of required professional development activities.

260 (2) The department shall, in consultation with the department of public health and suicide  
261 prevention experts, develop a list of approved training materials to fulfill the requirements of this  
262 section. Approved materials shall include training on how to identify appropriate mental health  
263 services both within the school and also within the larger community, and when and how to refer  
264 students and their families to those services.

265 (3) No person shall have a cause of action for any loss or damage caused by any act or  
266 omission resulting from the implementation of the provisions of this section or resulting from  
267 any training, or lack thereof, required by this section.

268 (4) The training, or lack thereof, required by the provisions of this section shall not be  
269 construed to impose any specific duty of care.

270 SECTION 8. Chapter 111 of the General Laws, as appearing in the 2012 Official Edition,  
271 is hereby amended by adding the following section:

272 Section 230. The department of public health shall, subject to appropriation, collect,  
273 record and analyze data on all suicides in the commonwealth. Data collected for each incident  
274 shall include, to the extent possible and with respect to all applicable privacy protection laws, the  
275 following: (1) the source of the means of the suicide; (2) the length of time between purchase of  
276 the means and the death of the decedent; (3) the relationship of the owner of the means to the  
277 decedent; (4) whether the means was legally obtained and owned pursuant to the laws of the  
278 commonwealth; (5) any record of past suicide attempts by the decedent; (6) and any record of  
279 past mental health treatment of the decedent. Names, addresses or other identifying factors shall  
280 not be included.

281 The department shall annually submit a report, which shall include aggregate data  
282 collected for the preceding calendar year and the department's analysis, with the clerks of the  
283 house of representatives and the senate and the executive office of public safety and security on  
284 or before December 31.

285 The commissioner shall work in conjunction with the offices and agencies in custody of  
286 the data listed in this section to facilitate collection of the data, and to ensure that data sharing  
287 mechanisms are in compliance with all applicable laws relating to privacy protection.

288 Data collected and held by the department for the purpose of completing a report  
289 pursuant to this section shall not be subject to the provisions of section 10 of chapter 66.

290 SECTION 9. Chapter 112 of the General Laws is hereby amended by inserting after  
291 section 5M the following section:-

292 Section 5N. The board shall, in collaboration with experts in violence and injury  
293 prevention, and in coordination with relevant training accreditation bodies, develop or provide  
294 for, and make available for voluntary participation by any physician, a professional development  
295 training module on suicide prevention through reduction of access to lethal means. The goal of  
296 the training module shall be to encourage physicians to speak with their patients and patients'  
297 families about the risk posed by access to lethal means in the home, and to increase a physician's  
298 ability and comfort in having such discussions with patients and families in a legally, ethically  
299 and medically appropriate manner. The training module shall include information on:

300 (i) rates of attempted and completed suicides, including demographics, trends in mental  
301 health histories of suicide victims and trends in rates of reattempts by survivors;

302 (ii) the impact of lethal means reduction in reducing rates of completed suicides, and on  
303 best practices, separate and distinct from behavioral health treatment, that may impact suicide  
304 rates through the reduction of environmental safety risks;

305 (iii) the role of firearms, including firearms ownership and access to household firearms,  
306 in impacting rates of attempted and completed suicides;

307 (iv) strategies for discussions with patients, or the patient's family or legal guardians,  
308 concerning safety assessments, and securing or removing firearms and other lethal means of  
309 suicide from the home during high risk periods; and

310 (v) other information deemed by the board to be appropriate and relevant to the purpose  
311 of the training.

312 The training module developed shall be accepted by the board as up to 2 continuing  
313 professional development credits.

314 SECTION 10. Section 35 of said chapter 123, as so appearing, is hereby amended by  
315 adding the following 4 paragraphs:-

316 The court, in its order, shall specify whether such commitment is based upon a finding  
317 that the person is an alcoholic, a substance abuser, or both. The court, upon ordering the  
318 commitment of a person found to be substance abuser or alcoholic pursuant to this section, shall  
319 transmit the person's name and nonclinical identifying information, including the person's Social  
320 Security number and date of birth, to the department of criminal justice information services.  
321 The court shall notify the person that he or she is prohibited from being issued a firearm  
322 identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to  
323 sections 131 and 131F of said chapter 140 unless a petition for relief pursuant to this section is  
324 subsequently granted.

325 After 5 years from the date of commitment, a person found to be a substance abuser or  
326 alcoholic and committed pursuant to this section may file a petition for relief with the court that  
327 ordered the commitment requesting that the court restore the person's ability to possess any  
328 firearm, rifle or shotgun. The court may grant the relief sought in accordance with the principles  
329 of due process if the circumstances regarding the person's disqualifying condition and the  
330 person's record and reputation are determined to be such that: (i) the person is not likely to act in  
331 a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary  
332 to the public interest. In making the determination, the court may consider evidence from a  
333 licensed medical doctor or clinical psychologist that the person is no longer suffering from the  
334 disease or condition that caused the disability or that the disease or condition has been  
335 successfully treated for a period of 3 consecutive years.

336 When the court grants a petition for relief pursuant to this section, the clerk shall  
337 immediately forward a copy of the order for relief to the department of criminal justice  
338 information services, who shall transmit the order, pursuant to paragraph (h) of section 167A of  
339 chapter 6, to the attorney general to be included in the National Instant Criminal Background  
340 Check System.

341 A person whose petition for relief is denied may appeal to the appellate division of the  
342 district court for a de novo review of the denial.

343 SECTION 11. Section 36A of said chapter 123, as so appearing, is hereby further  
344 amended by adding the following paragraph:-

345 Notwithstanding the preceding paragraph, a court may, pursuant to section 35 and section  
346 36C, transmit information contained in court records to the department of criminal justice  
347 information services for the purposes of: (i) providing licensing authorities as defined under  
348 section 121 of chapter 140 of the General Laws with information required or permitted to be  
349 considered under state or federal law for the purpose of conducting background checks for  
350 firearm sales or licensing; and (ii) providing the attorney general of the United States with  
351 information required or permitted under federal law to be included in the National Instant  
352 Criminal Background Check System maintained for the purpose of conducting background  
353 checks for firearms sales or licensing; provided, however, the court shall not transmit  
354 information solely because a person seeks voluntary treatment or is involuntarily hospitalized for  
355 assessment or evaluation purposes. Information transmitted to the department of criminal justice  
356 information services pursuant to this section and sections 35 and 36C shall not be considered  
357 public records pursuant to section 7 of chapter 4.

358 SECTION 12. Said chapter 123 is hereby further amended by inserting after section 36B  
359 the following section:-

360 Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8,  
361 15 or 18 or subsections (b) and (c) of section 16, shall transmit the person's name and  
362 nonclinical, identifying information, including the person's Social Security number and date of  
363 birth to the department of criminal justice information services. The court shall notify the person  
364 that he or she is prohibited from being issued a firearm identification card pursuant to section  
365 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140  
366 unless a petition for relief pursuant to subsection (b) is subsequently granted.

367 (b) After 5 years from the date of committed, a person so committed pursuant to section  
368 7, 8, 15 or 18 or subsections (b) and (c) may file a petition for relief with the court that ordered  
369 the commitment requesting the court to restore the person's ability to possess a firearm. The  
370 court may grant the relief sought in accordance with the principles of due process if the  
371 circumstances regarding the person's disqualifying condition and the person's record and  
372 reputation are determined to be such that: (i) the person is not likely to act in a manner that is  
373 dangerous to public safety; and (ii) the granting of relief would not be contrary to the public  
374 interest. In making the determination, the court may consider evidence from a licensed medical  
375 doctor or clinical psychologist that the person is no longer suffering from the disease or  
376 condition that caused the disability or that the disease or condition has been successfully treated  
377 for a period of 3 consecutive years.

378 (c) When the court grants a petition for relief pursuant to subsection (b), the clerk shall  
379 immediately forward a copy of the order for relief to the department of criminal justice  
380 information services.

381 (d) A person whose petition for relief is denied pursuant to subsection (b) may appeal to  
382 the appellate division of the district court for a de novo review of the denial.

383 SECTION 13. The first paragraph of section 14 of chapter 131 of the General Laws, as  
384 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence  
385 the following sentence:-

386 The course shall also include, with respect to safe handling of firearms, the program of  
387 instruction on harm reduction developed by the division on violence and injury prevention within  
388 the department of public health.

389 SECTION 14. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby  
390 amended by striking out, in line 1, the word “131P” and inserting in place thereof the following  
391 word:- 131Q.

392 SECTION 15. Section 123 of said chapter 140, as so appearing, is hereby amended by  
393 striking out, in lines 37 and 59, the words “Class A”.

394 SECTION 16. Said section 123 of said chapter 140, as so appearing, is hereby further  
395 amended by striking out, in lines 40 and 63, the words “Class A or Class B”.

396 SECTION 17. Said section 123 of said chapter 140, as so appearing, is hereby further  
397 amended by inserting after the word “height”, in line 127, the following words:- , and further that  
398 the licensee shall conspicuously post and distribute at each purchase counter a notice providing  
399 information on suicide prevention developed and provided by the division on violence and injury  
400 prevention within the department of public health .

401 SECTION 18. Section 128 of said chapter 140, as so appearing, is hereby amended by  
402 inserting after the word “sixteenth”, in line 4, the following words :- , seventeenth.

403 SECTION 19. Section 128A of said chapter 140, as so appearing, is hereby amended by  
404 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident  
405 reports within seven days, in writing to the commissioner of the department of criminal justice  
406 information services on forms furnished by said executive director, the names and addresses of  
407 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,  
408 together with a complete description of the firearm, rifle or shotgun, including its designation as  
409 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's  
410 license to carry firearms number, permit to purchase number and identifying number of such  
411 documentation as is used to establish exempt person status in the case of a firearm or the

412 purchaser's license to carry number or firearm identification card number or said document  
413 identity number, in the case of a rifle or shotgun”.

414 SECTION 20. Said section 128A of said chapter 140, as so appearing, is hereby amended  
415 by adding the following 3 sentences:- Any sale or transfer conducted pursuant to this section  
416 shall comply with section 131E and shall, prior to or at the point of sale, be conducted over a real  
417 time web portal developed by the department of criminal justice information services. The  
418 department of criminal justice information services shall require each person selling or  
419 transferring a firearm, shotgun or rifle pursuant to this section to electronically provide through  
420 the portal such information as is determined to be necessary for the purposes of verifying the  
421 identification of the seller and purchaser and ensuring that the sale or transfer complies with the  
422 provisions of this section. Upon submission of the required information, the portal shall  
423 automatically review such information and display a message indicating whether the seller may  
424 or may not proceed with the sale or transfer and shall provide any further instructions for the  
425 seller as determined to be necessary by the department of criminal justice information services.  
426 The department of criminal justice information services shall keep a record of any sale or  
427 transfer conducted pursuant to this section and shall provide the seller and purchaser with  
428 verification of such sale or transfer.

429 SECTION 21. Section 129B of said chapter 140, as so appearing, is hereby amended by  
430 striking out paragraph (1) and inserting in place thereof the following paragraph:-

431 (1) Any person residing or having a place of business within the jurisdiction of the  
432 licensing authority or any person residing in an area of exclusive federal jurisdiction located  
433 within a city or town may submit to the licensing authority an application for a firearm  
434 identification card, or renewal of the same, which the licensing authority shall issue if it appears  
435 that the applicant is not a prohibited person. A prohibited person shall be a person who:

436 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful  
437 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:  
438 (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years ; (c) a violent  
439 crime as defined in section 121; (d) a violation of any law regulating the use, possession,  
440 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
441 ammunition for which a term of imprisonment may be imposed; (e) a violation of any law  
442 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter  
443 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime  
444 of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33); provided, however,  
445 that except for the commission of a felony, a misdemeanor crime of domestic violence, a violent  
446 crime or a crime involving the trafficking of controlled substances, if the applicant has been so  
447 convicted or adjudicated or released from confinement, probation or parole supervision for such  
448 conviction or adjudication, whichever is last occurring, not less than 5 years immediately  
449 preceding such application, such applicant's right or ability to possess a non-large capacity rifle

450 or shotgun shall be deemed restored in the commonwealth with respect to such conviction or  
451 adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm  
452 identification card;

453 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful  
454 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable  
455 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a  
456 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
457 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
458 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled  
459 substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under  
460 said chapter 94C; (f) a misdemeanor crime of domestic violence as that term is defined in 18  
461 U.S.C. section 921(a)(33); provided, however, that, except for the commission of felony, a  
462 misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of  
463 weapons or controlled substances, if the applicant has been so convicted or adjudicated or  
464 released from confinement, probation or parole supervision for such conviction or adjudication,  
465 whichever is last occurring, not less than 5 years immediately preceding such application, and  
466 such applicant's right or ability to possess a rifle or shotgun has been fully restored in the  
467 jurisdiction wherein the subject conviction or adjudication was entered, such conviction or  
468 adjudication shall not disqualify such applicant for a firearm identification card;

469 (iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C  
470 of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance  
471 abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her  
472 application an affidavit of a registered physician attesting that such physician is familiar with the  
473 applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the  
474 applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that  
475 should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an  
476 order of a court to any hospital or institution for mental illness, unless the applicant was granted  
477 a petition for relief of the court's order pursuant to section 36C of chapter 123 and submits a  
478 copy of the order for relief with his or her application; (c) subject to an order of the probate court  
479 appointing a guardian or conservator for an incapacitated person on the grounds that that applicant  
480 lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was  
481 granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the  
482 order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and  
483 committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition  
484 for relief of the court's order pursuant to said section 35 and submits a copy of the order for  
485 relief with his or her application;

486 (iv) is at the time of the application less than 15 years of age;

487 (v) is at the time of the application more than 15 but less than 18 years of age, unless the  
488 applicant submits with his application a certificate of his parent or guardian granting the  
489 applicant permission to apply for a card;

490 (vi) is an alien;

491 (vii) is currently subject to: (a) an order for suspension or surrender issued pursuant to  
492 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a  
493 permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued  
494 by another jurisdiction, including any such order described in 18 U.S.C. section 922(g)(8);

495 (viii) is currently the subject of an outstanding arrest warrant in any state or federal  
496 jurisdiction;

497 (ix) has been discharged from the Armed Forces of the United States under dishonorable  
498 conditions;

499 (x) is a fugitive from justice; or

500 (xi) having been a citizen of the United States, has renounced his or her citizenship.

501 Notwithstanding other provisions of paragraph (1) to the contrary, the licensing authority  
502 may deny the application or renewal of a firearm identification card, or suspend or revoke a card  
503 issued under this section, if in the reasonable exercise of discretion, the licensing authority  
504 determines that the applicant or card holder is unsuitable to be issued or to continue to hold a  
505 firearm identification card. A determination of unsuitability shall be based on: (i) reliable and  
506 credible information that the applicant or card holder has exhibited or engaged in behavior that  
507 suggests the applicant or card holder could potentially create a risk to public safety if issued a  
508 card; or (ii) existing factors that suggest that the applicant or card holder could potentially create  
509 a risk to public safety if issued a card. Upon denying an application or renewal of a card based on  
510 a determination of unsuitability, the licensing authority shall notify the applicant in a writing  
511 setting forth the specific reasons for such determination as set forth in paragraph (3). Upon  
512 revoking or suspending a card based on a determination of unsuitability, the licensing authority  
513 shall notify the holder of a license in a writing setting forth the specific reasons for such  
514 determination as set forth in paragraph (4). The determination of unsuitability shall be subject to  
515 judicial review as set forth in paragraph (5).

516 SECTION 22. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is  
517 hereby amended by adding the following 2 sentences:- The licensing authority shall provide to  
518 the applicant a receipt indicating that it received the applicant's application. The receipt shall be  
519 provided to the applicant within 7 days by mail if the application was received by mail, or  
520 immediately if the application was made in person; provided, however, that the receipt shall  
521 include the applicants' name, the applicant's address, the applicant's current firearm



522 identification card number, if any, the applicant's current card expiration date, if any, the date  
523 when the application was received by the licensing authority, the name of the licensing authority  
524 and its agent that received the application, the licensing authority's address and telephone  
525 number, the type of application, and whether it is an application for a new card or for renewal of  
526 an existing card; and provided further, that a copy of the receipt shall be kept by the licensing  
527 authority for no less than 1 year and a copy shall be furnished to the applicant if requested by the  
528 applicant.

529 SECTION 23. Said section 129B of said chapter 140, as so appearing, is hereby  
530 amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

531 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large  
532 capacity firearm or large capacity feeding device therefor, except under a license issued to a  
533 shooting club as provided under section 131 or under the direct supervision of a holder of a  
534 license issued to an individual under said section 131 at an incorporated shooting club or  
535 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or  
536 large capacity feeding device therefor, except under a license issued to a shooting club as  
537 provided under said section 131 or under the direct supervision of a holder of a license issued to  
538 an individual under said section 131 at an incorporated shooting club or licensed shooting range.  
539 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that  
540 is, or in such manner that is, otherwise prohibited by law. A firearm identification card shall be  
541 valid for the purpose of purchasing and possessing chemical mace, pepper spray or other  
542 similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as  
543 otherwise provided herein, a firearm identification card shall not be valid for the use, possession,  
544 ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such  
545 rifle or shotgun is a large capacity weapon as defined in section 121.

546 SECTION 24. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is  
547 hereby amended by striking out the first sentence and inserting in place thereof the following  
548 sentence:- A firearm identification card shall be in a standard form provided by the  
549 commissioner of the department of criminal justice information services in a size and shape  
550 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles  
551 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,  
552 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and  
553 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide  
554 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline  
555 and the Samaritans Statewide Helpline.

556 SECTION 25. Said section 129B of said chapter 140, as so appearing, is hereby amended  
557 by striking out paragraph (9) and inserting in place thereof the following paragraph:-

558 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period  
559 of not more than 6 years from the date of issue, except that if the cardholder applied for renewal  
560 before the card expired, the card shall remain valid after the expiration date on the card for all  
561 lawful purposes, until the application for renewal is approved or denied; provided, however, if  
562 the cardholder is on active duty with the armed forces of the United States on the expiration date  
563 of his card, the card shall remain valid until the cardholder is released from active duty and for a  
564 period not less than 180 days following such release, except that if the cardholder applied for  
565 renewal prior to the end of such period, the card shall remain valid after the expiration date on  
566 the card for all lawful purposes, until the application for renewal is approved or denied. A card  
567 issued on February 29 shall expire on March 1. The commissioner of criminal justice  
568 information services shall send electronically or by first class mail to the holder of a firearm  
569 identification card, a notice of the expiration of the card not less than 90 days before its  
570 expiration, and shall enclose with the notice a form for the renewal of the card. The form for  
571 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not  
572 lost any firearms or had any firearms stolen from the applicant's possession since the date of the  
573 applicant's last renewal or issuance. The commissioner of criminal justice information services  
574 shall include in the notice all pertinent information about the penalties that may be imposed if the  
575 firearm identification card is not renewed. The commissioner of criminal justice information  
576 services shall provide electronic notice of expiration only upon the request of a cardholder. A  
577 request for electronic notice of expiration shall be forwarded to the department on a form  
578 furnished by the commissioner. Any electronic address maintained by the department for the  
579 purpose of providing electronic notice of expiration shall be considered a firearms record and  
580 shall not be disclosed except as provided in section 10 of chapter 66.

581 SECTION 26. Said chapter 140 is hereby amended by striking out section 130 and  
582 inserting in place thereof the following 2 sections:-

583 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18  
584 years of age or older who does not hold a permit card issued to him pursuant to section 131H or,  
585 except as provided in this section or section 131E, whoever sells or furnishes any alien a rifle,  
586 shotgun, machine gun or ammunition, shall have his license to sell firearms, rifles, shotguns,  
587 machine guns or ammunition revoked and shall not be entitled to apply for such license for 10  
588 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor  
589 more than \$10,000, or by imprisonment in a state prison for not more than 10 years or by  
590 imprisonment in a house of correction for not more than 2 and 1/2 years, or by both such fine and  
591 imprisonment.

592 Section 130 1/2. Notwithstanding section 130 or any general or special law to the  
593 contrary, it shall be lawful to furnish a weapon to a minor for purposes of hunting, recreation,  
594 instruction and participation in shooting sports while under the supervision of a holder of a valid  
595 firearm identification card or license to carry appropriate for the weapon in use, provided that the  
596 parent or guardian of the minor has granted consent for such activities.

597 SECTION 27. Said section 129B of said chapter 140, as so appearing is hereby further  
598 amended by striking out in lines, 195, 218, 219 and 224, the word “clause” and inserting in place  
599 thereof, in each instance, the following word:- paragraph.

600 SECTION 28. Said section 129B of said chapter 140, as so appearing, is hereby further  
601 amended by striking out, in lines 245 to 248, inclusive, the words “meaning after 90 days beyond  
602 the stated expiration date on the card, but who shall not be disqualified from renewal upon  
603 application therefor under this section, shall be subject to a civil fine of not less than \$500” and  
604 inserting in place thereof the following words:- not including licenses that remain valid under  
605 paragraph (i) because the licensee applied for renewal before the license expired, but who shall  
606 not be disqualified from renewal upon application therefor pursuant to this section, shall be  
607 subject to a civil fine of not less than \$100.

608 SECTION 29. The third paragraph of said section 129C of said chapter 140, as so  
609 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
610 following 2 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or  
611 machine gun or the recovery of any firearm, rifle, shotgun or machine gun, previously reported  
612 lost or stolen, to both the commissioner of the department of criminal justice information  
613 services and the licensing authority in the city or town where the owner resides shall be punished  
614 by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than  
615 \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more  
616 than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such  
617 fines and imprisonments, for a third or subsequent offense. Failure to so report shall be cause for  
618 suspension or permanent revocation of such person's firearm identification card or license to  
619 carry firearms, or both.

620 SECTION 30. Said section 129C of said chapter 140, as so appearing, is hereby further  
621 amended by striking out the seventh paragraph and inserting in place thereof the following  
622 paragraph:-

623 Nothing in this section shall permit the sale or transfer of any large capacity rifle, shotgun  
624 or firearm or large capacity feeding device therefor to any person not in possession of a license  
625 to carry firearms issued pursuant to section 131.

626 SECTION 31. Section 131 of said chapter 140, as so appearing, is hereby amended by  
627 striking out, in lines 1 to 3, inclusive, the words “All licenses to carry firearms shall be  
628 designated Class A or Class B, and the issuance and possession of any such license shall be  
629 subject to the following conditions and restrictions” and inserting in place thereof the following  
630 words:- The issuance and possession of a license to carry firearms shall be subject to the  
631 following conditions and restrictions.

632 SECTION 32. Said section 131 of said chapter 140, as so appearing, is hereby further  
633 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the  
634 following 3 paragraphs:-

635 (a) A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and  
636 carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition  
637 therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or  
638 carrying of firearms as the licensing authority deems proper; and (ii) rifles and shotguns,  
639 including large capacity weapons, and feeding devices and ammunition therefor, for all lawful  
640 purposes; provided, however, that the licensing authority may impose such restrictions relative to  
641 the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A  
642 violation of a restriction imposed by the licensing authority under the provisions of this  
643 paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be  
644 punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the  
645 provisions of section 10 of chapter 269 shall not apply to such violation.

646 (b) The colonel of state police may, after an investigation, grant a license to a club or  
647 facility with an on-site shooting range or gallery, which club is incorporated under the laws of  
648 the commonwealth for the possession, storage and use of large capacity weapons, ammunition  
649 therefor and large capacity feeding devices for use with such weapons on the premises of such  
650 club; provided, however, that not less than 1 shareholder of such club shall be qualified and  
651 suitable to be issued such license; and provided further, that such large capacity weapons and  
652 ammunition feeding devices may be used under such club license only by such members that  
653 possess a valid firearm identification card issued under section 129B or a valid license to carry  
654 firearms, or by such other persons that the club permits while under the direct supervision of a  
655 certified firearms safety instructor or club member who, in the case of a large capacity firearm,  
656 possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun,  
657 possesses a valid license to carry firearms. Such club shall not permit shooting at targets that  
658 depict human figures, human effigies, human silhouettes or any human images thereof, except by  
659 public safety personnel performing in line with their official duties.

660 No large capacity weapon or large capacity feeding device shall be removed from the  
661 premises except for the purposes of: (i) transferring such firearm or feeding device to a licensed  
662 dealer; (ii) transporting such firearm or feeding device to a licensed gunsmith for repair; (iii)  
663 target, trap or skeet shooting on the premises of another club incorporated under the laws of the  
664 commonwealth and for transporting thereto; (iv) attending an exhibition or educational project or  
665 event that is sponsored by, conducted under the supervision of or approved by a public law  
666 enforcement agency or a nationally or state recognized entity that promotes proficiency in or  
667 education about semiautomatic weapons and for transporting thereto and therefrom; (v) hunting  
668 in accordance with the provisions of chapter 131; or (vi) surrendering such firearm or feeding  
669 device under the provisions of section 129D. Any large capacity weapon or large capacity  
670 feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in

671 use, be secured in a locked container, and shall be unloaded during any lawful transport. The  
672 clerk or other corporate officer of such club shall annually file a report with the colonel of state  
673 police and the commissioner of the department of criminal justice information services listing all  
674 large capacity weapons and large capacity feeding devices owned or possessed under such  
675 license. The colonel of state police or his designee, shall have the right to inspect all firearms  
676 owned or possessed by such club upon request during regular business hours and said colonel  
677 may revoke or suspend a club license for a violation of any provision of this chapter or chapter  
678 269 relative to the ownership, use or possession of large capacity weapons or large capacity  
679 feeding devices.

680 (c) A license shall be valid for the purpose of owning, possessing, purchasing and  
681 transferring non-large capacity rifles and shotguns, and for purchasing and possessing chemical  
682 mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily  
683 incapacitate, consistent with the entitlements conferred by a firearm identification card issued  
684 under section 129B.

685 SECTION 33. Said section 131 of said chapter 140, as so appearing, is hereby amended  
686 by striking out paragraph (d) and inserting in place thereof the following paragraph:-

687 (d) Any person residing or having a place of business within the jurisdiction of the  
688 licensing authority or any law enforcement officer employed by the licensing authority or any  
689 person residing in an area of exclusive federal jurisdiction located within a city or town may  
690 submit to such licensing authority or the colonel of state police, an application for a Class A  
691 license to carry firearms, or renewal of the same, which such licensing authority or said colonel  
692 may issue if it appears that the applicant is not a prohibited person as hereinafter set forth to be  
693 issued such license, and that the applicant has good reason to fear injury to his person or  
694 property, or for any other reason, including the carrying of firearms for use in sport or target  
695 practice only, subject to such restrictions expressed or authorized under this section. A prohibited  
696 person shall be a person who:

697 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful  
698 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:  
699 (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years ; (c) a violent  
700 crime as defined in section 121; (d) a violation of any law regulating the use, possession,  
701 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or  
702 ammunition for which a term of imprisonment may be imposed; (e) a violation of any law  
703 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter  
704 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime  
705 of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33);

706 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful  
707 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable

708 by imprisonment for more than two (2) years; (c) a violent crime as defined in section 121; (d) a  
709 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
710 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
711 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled  
712 substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under  
713 said chapter 94C; (f) a misdemeanor crime of domestic violence as that term is defined in 18  
714 U.S.C. section 921(a)(33);

715 (iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C  
716 of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance  
717 abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her  
718 application an affidavit of a registered physician attesting that such physician is familiar with the  
719 applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the  
720 applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that  
721 should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an  
722 order of a court to any hospital or institution for mental illness, unless the applicant was granted  
723 a petition for relief of the court's order pursuant to section 36C of chapter 123 and submits a  
724 copy of the order for relief with his or her application; (c) subject to an order of the probate court  
725 appointing a guardian or conservator for an incapacitated person on the grounds that that applicant  
726 lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was  
727 granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the  
728 order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and  
729 committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition  
730 for relief of the court's order pursuant to said section 35 and submits a copy of the order for  
731 relief with his or her application;

732 (iv) is at the time of the application less than 21 years of age;

733 (v) is an alien;

734 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to  
735 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a  
736 permanent or temporary protection order issued pursuant to chapter 209A or a similar order  
737 issued by another jurisdiction, including any such order described in 18 U.S.C. section 922(g)(8);

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

740 (viii) has been discharged from the Armed Forces of the United States under  
741 dishonorable conditions;

742 (ix) is a fugitive from justice; or

743 (x) having been a citizen of the United States, has renounced his or her citizenship.

744 The licensing authority may deny the application or renewal of a license to carry, or  
745 suspend or revoke a license issued under this section, if in the reasonable exercise of discretion,  
746 the licensing authority determines that the applicant or licensee is unsuitable to be issued or to  
747 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable  
748 and credible information that the applicant or licensee has exhibited or engaged in behavior that  
749 suggests the applicant or licensee could potentially create a risk to public safety if issued a  
750 license; or (ii) existing factors that suggest that the applicant or licensee could potentially create  
751 a risk to public safety if issued a license. Upon denying an application or renewal of a license  
752 based on a determination of unsuitability, the licensing authority shall notify the applicant in a  
753 writing setting forth the specific reasons for such determination as set forth in paragraph (e).  
754 Upon revoking or suspending a license based on a determination of unsuitability, the licensing  
755 authority shall notify the holder of a license in a writing setting forth the specific reasons for  
756 such determination as set forth in paragraph (f). The determination of unsuitability shall be  
757 subject to judicial review as set forth in paragraph (f).

758 SECTION 34. Paragraph (d) of said section 131 of said chapter 140, as amended by  
759 section 32, is hereby further amended by striking out the first sentence and inserting in place  
760 thereof the following sentence:- Any person residing or having a place of business within the  
761 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing  
762 authority or any person residing in an area of exclusive federal jurisdiction located within a city  
763 or town may submit to such licensing authority or the colonel of state police, an application for a  
764 license to carry firearms, or renewal of the same, which such licensing authority or said colonel  
765 may issue if it appears that the applicant is not a prohibited person as hereinafter set forth to be  
766 issued such license, and that the applicant has good reason to fear injury to his person or  
767 property, or for any other reason, including the carrying of firearms for use in sport or target  
768 practice only, subject to such restrictions expressed or authorized under this section.

769 SECTION 35. Paragraph (e) of said section 131 of said chapter 140, as appearing in the  
770 2012 Official Edition, is hereby amended by adding the following paragraph:-

771 The licensing authority shall provide to the applicant a receipt indicating that it received  
772 the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if  
773 the application was received by mail, or immediately if the application was made in person;  
774 provided further, that the receipt shall include the applicants' name, the applicant's address, the  
775 applicant's current license number, if any, the applicant's current license expiration date if any,  
776 the date when the application was received by the licensing authority, the name of the licensing  
777 authority and its agent that received the application, the licensing authority's address and  
778 telephone number, the type of application, and whether it is an application for a new license or  
779 for renewal of an existing license; provided further, that a copy of the receipt shall be kept by the

780 licensing authority for no less than 1 year and a copy shall be furnished to the applicant if  
781 requested by said applicant.

782 SECTION 36. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is  
783 hereby amended by striking the second paragraph and inserting in place thereof the following  
784 paragraph:-

785 Any applicant or holder aggrieved by a denial, revocation, suspension or any restriction  
786 placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,  
787 within either 90 days after receiving notice of such denial, revocation or suspension or within 90  
788 days after the expiration of the time limit during which the licensing authority is required to  
789 respond to the applicant or, in the case of a restriction, anytime after a restriction is placed on  
790 license pursuant to this section, file a petition to obtain judicial review in the district court having  
791 jurisdiction in the city or town wherein the applicant filed for, or was issued, such license. A  
792 justice of such court, after a hearing, may direct that a license be issued or reinstated to the  
793 petitioner or may order the licensing authority to remove certain restrictions placed on the  
794 license, if such justice finds that there was no reasonable ground for denying, suspending,  
795 revoking or restricting such license and that the petitioner is not prohibited by law from  
796 possessing a license.

797 SECTION 37. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is  
798 hereby amended by striking out the first and second sentences and inserting in place thereof the  
799 following 2 sentences:-

800 A license shall be in a standard form provided by the commissioner of criminal justice  
801 information services in a size and shape equivalent to that of a license to operate motor vehicles  
802 issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a  
803 license number which shall clearly indicate the name, address, photograph, fingerprint, place and  
804 date of birth, height, weight, hair color, eye color and signature of the licensee. Such license shall  
805 be clearly marked "License to Carry Firearms".

806 SECTION 38. Said paragraph (g) of said section 131 of said chapter 140, as so appearing,  
807 is hereby amended by inserting after the second sentence the following sentence:- Such license  
808 shall provide in a legible font size and style the phone numbers for the National Suicide  
809 Prevention Lifeline and the Samaritans Statewide Helpline.

810 SECTION 39. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is  
811 hereby amended by striking out the first sentence and inserting in place thereof the following  
812 sentence:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for  
813 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the  
814 licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of  
815 issue, except that if the licensee applied for renewal before the license expired, the license shall  
816 remain valid after the expiration date on the license for all lawful purposes, until the application



817 for renewal is approved or denied; provided, however, if the licensee is on active duty with the  
818 armed forces of the United States on the expiration date of his license, the license shall remain  
819 valid until the licensee is released from active duty and for a period not less than 180 days  
820 following such release, except that if the licensee applied for renewal prior to the end of such  
821 period, the license shall remain valid after the expiration date on the license for all lawful  
822 purposes, until the application for renewal is approved or denied; and provided further, an  
823 application for renewal of a Class B license filed before the license is expired shall not extend  
824 the license beyond the stated expiration date and such Class B license shall expire on the  
825 anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6  
826 years from the date of issue.

827 SECTION 40. Said paragraph (i) of said section 131 of said chapter 140 is hereby further  
828 amended by striking out the first sentence, as amended by section 38, and inserting in place  
829 thereof the following sentence:-

830 A license to carry or possess firearms shall be valid, unless revoked or suspended, for a  
831 period of not more than 6 years from the date of issue and shall expire on the anniversary of the  
832 licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of  
833 issue, except that if the licensee applied for renewal before the license expired, the license shall  
834 remain valid after the expiration date on the license for all lawful purposes, until the application  
835 for renewal is approved or denied; provided, however, if the licensee is on active duty with the  
836 armed forces of the United States on the expiration date of his license, the license shall remain  
837 valid until the licensee is released from active duty and for a period not less than 180 days  
838 following such release, except that if the licensee applied for renewal prior to the end of such  
839 period, the license shall remain valid after the expiration date on the license for all lawful  
840 purposes, until the application for renewal is approved or denied.

841 SECTION 41. Paragraph (l) of said section 131 of said chapter 140, as appearing in the  
842 2012 Official Edition, is hereby amended by inserting after the first sentence the following  
843 sentence:- The form for renewal shall include an affidavit whereby the applicant shall verify that  
844 the applicant has not lost any firearms or had any firearms stolen from the applicant's possession  
845 since the date of the applicant's last renewal or issuance.

846 SECTION 42. Said section 131 of said chapter 140, as so appearing, is hereby further  
847 amended by striking out, in line 317 to 320, inclusive, the words "meaning after 90 days beyond  
848 the stated expiration date on the license, but who shall not be disqualified from renewal upon  
849 application therefor under this section, shall be subject to a civil fine of not less than \$500" and  
850 inserting in place thereof the following words:- not including licenses that remain valid under  
851 paragraph (i) because the licensee applied for renewal before the license expired, but who shall  
852 not be disqualified from renewal upon application therefor pursuant to this section, shall be  
853 subject to a civil fine of not less than \$100.

854 SECTION 43. Section 131¾ of said chapter 140, as so appearing, is hereby amended by  
855 inserting after the figure “131½, in line 3, the words:- and in consultation with the attorney  
856 general.

857 SECTION 44. Said section 131¾ of said chapter 140, as so appearing is hereby further  
858 amended by inserting after the word “board”, in line 14, the words:- or the attorney general.

859 SECTION 45. Said chapter 140 is hereby further amended by striking out section 131C,  
860 as so appearing, and inserting in place thereof the following section:-

861 Section 131C. (a) No person carrying a loaded firearm under a license issued pursuant to  
862 section 131 or 131F shall carry the same in a vehicle unless the firearm while carried therein is  
863 under the direct control of such person. Whoever violates the provisions of this subsection shall  
864 be punished by a fine of \$500.

865 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant  
866 to section 131 or 131F shall possess the same in a vehicle unless such weapon is unloaded and  
867 contained within the locked trunk of such vehicle or in a locked case or other secure container.  
868 Whoever violates the provisions of this subsection shall be punished by a fine of not less than  
869 \$500 nor more than \$5,000.

870 (c) The provisions of this section shall not apply to: (i) any officer, agent or employee of  
871 the commonwealth or any state or the United States; (ii) any member of the military or other  
872 service of any state or of the United States; (iii) any duly authorized law enforcement officer,  
873 agent or employee of any municipality of the commonwealth; provided, however, that any such  
874 person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry  
875 or possess the weapon so carried or possessed and is acting within the scope of his duties.

876 (d) A conviction of a violation of this section shall be reported forthwith by the court or  
877 magistrate to the licensing authority who shall immediately revoke the card or license of the  
878 person so convicted. No new such card or license may be issued to any such person until 1 year  
879 after the date of revocation.

880 SECTION 46. Said chapter 140 is hereby further amended by striking out section 131E,  
881 as so appearing, and inserting in place thereof the following section:-

882 Section 131E. Any resident of the commonwealth may purchase firearms, rifles, shotguns  
883 and ammunition feeding devices from any dealer licensed pursuant to section 122, or from such  
884 person as shall be qualified pursuant to section 128A, or ammunition from a licensee under  
885 section 122B, subject to the following conditions and restrictions:

886 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon  
887 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; or (ii) a  
888 valid license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status

889 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity  
890 feeding devices therefor may be so purchased only upon presentment of a license to carry  
891 firearms issued pursuant to said section 131; and provided further, that no rifle or shotgun or  
892 ammunition or ammunition feeding device therefor shall be sold to any person less than 18 years  
893 of age; and provided further, that no large capacity rifle or shotgun or large capacity feeding  
894 device therefor shall be sold to any person less than 21 years of age;

895 (b) firearms and feeding devices therefor, including large capacity firearms and large  
896 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid  
897 license to carry firearms issued pursuant to section 131; or (ii) a valid firearm identification card  
898 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;  
899 provided, however, that neither a firearm identification card issued pursuant to section 129B, nor  
900 proof of exempt status under section 129C, shall be valid for the purpose of purchasing any  
901 firearm or ammunition feeding device therefor, including large capacity firearms and large  
902 capacity feeding devices therefor, without being presented together with a valid and proper  
903 permit to purchase issued under section 131A; and provided further, that an alien permit to  
904 possess a rifle or shotgun shall not be valid for the purpose of purchasing firearms or ammunition  
905 or ammunition feeding devices therefor; and provided further, that no firearm or ammunition or  
906 ammunition feeding device therefor shall be sold to any person less than 21 years of age. Any  
907 person who uses a license to carry firearms or firearm identification card for the purpose of  
908 purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to  
909 an unlicensed person, shall be punished by a fine of not less than \$1,000 nor more than \$50,000  
910 dollars, or by imprisonment for not less than 2 1/2 years nor more than 10 years in a state prison,  
911 or by both such fine and imprisonment. A conviction of a violation of this section shall be  
912 reported forthwith by the court to the licensing authority which issued the license or firearm  
913 identification card, which shall immediately revoke the license or firearm identification card of  
914 such person. No new license or firearm identification card pursuant to section 129B or section  
915 131 shall be issued to any such person within 2 years after the date of said revocation.

916 SECTION 47. Section 131F of said chapter 140, as so appearing, is hereby amended by  
917 striking out, in line 1, the words "Class A or Class B".

918 SECTION 48. The first paragraph of said section 131F of said chapter 140, as so  
919 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the  
920 following clause:-

921 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful  
922 offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable  
923 by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a  
924 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,  
925 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment  
926 may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled

927 substances as defined in section 1 of chapter 94C; or (f) a misdemeanor crime of domestic  
928 violence as that term is defined in 18 U.S.C. section 921(a)(33).

929 SECTION 49. Said section 131F of said chapter 140, as so appearing is hereby further  
930 amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of  
931 an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof  
932 the following words:-

933 (v) is currently the subject of an outstanding arrest warrant in any state or federal  
934 jurisdiction;

935 (vi) has been discharged from the Armed Forces of the United States under dishonorable  
936 conditions;

937 (vii) is a fugitive from justice;

938 (viii) having been a citizen of the United States, has renounced his or her citizenship;

939 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the  
940 United States; or

941 (x) not being a citizen or national of the United States, has been admitted to the United  
942 States under a nonimmigrant visa, as that term is defined in 8 U.S.C. section 1101(a)(26), unless  
943 the person is admitted to the United States for lawful hunting or sporting purposes or is in  
944 possession of a hunting license or permit lawfully issued in the United States or another  
945 exception set forth in 18 U.S.C. section 922(y)(2) applies.

946 SECTION 50. The fourth paragraph of said section 131F of said chapter 140, as so  
947 appearing, is hereby amended by striking out the first and second sentences and inserting in place  
948 thereof the following 3 sentences:-

949 A temporary license issued pursuant to this section shall be clearly marked “Temporary  
950 License to Carry Firearms” and shall not be used to purchase firearms in the commonwealth as  
951 provided in section 131E. A large capacity firearm and a large capacity feeding device therefor  
952 may be carried if the person has been issued a license. The colonel may permit a licensee to  
953 possess large capacity rifles or shotguns or both, provided that such entitlement shall be clearly  
954 indicated on the license.

955 SECTION 51. Section 131L of said chapter 140, as so appearing is hereby amended by  
956 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3  
957 subsections:-

958 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun  
959 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by  
960 imprisonment for not more than 1 and 1/2 years, or by both fine and imprisonment, and in the

961 case of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than  
962 \$15,000 or by imprisonment for not less than 1 and 1/2 years nor more than 12 years, or by both  
963 fine and imprisonment.

964 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is  
965 not a large capacity weapon and such weapon was stored or kept in a place where a person under  
966 the age of 18 who does not possess a valid firearm identification card issued under section 129B  
967 may have access without committing an unforeseeable trespass, by a fine of not less than \$2,500  
968 nor more than \$15,000 or by imprisonment for not less than 1 and 1/2 years nor more than 12  
969 years, or by both fine and imprisonment.

970 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a  
971 large capacity weapon, firearm or machine gun was stored or kept in a place where a person  
972 under the age of 18 may have access, without committing an unforeseeable trespass, by a fine of  
973 not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4 years, nor  
974 more than 15 years, or by both fine and imprisonment.

975 SECTION 52. Section 131P of said chapter 140, as so appearing, is hereby amended by  
976 striking out, in lines 2 and 66, the words "Class A or Class B".

977 SECTION 53. Section 131P of said chapter 140, as so appearing, is hereby further  
978 amended by adding the following subsection:-

979 (f) The colonel of the state police shall produce and distribute public service  
980 announcements throughout the commonwealth for the purpose of encouraging and educating the  
981 general public on:

982 (i) the safe storage and transportation of weapons as required under sections 131C and  
983 131L;

984 (ii) the importance of firearm safety education and training, including information on  
985 places and classes that people may attend to obtain firearm safety education and training.

986 SECTION 54. Said chapter 140 is hereby further amended by inserting after section 136P  
987 the following section:-

988 Section 136Q. Any firearm, rifle or shotgun, large capacity weapon, machine gun or  
989 assault weapon used to carry out a criminal act shall be traced by the licensing authority for the  
990 city or town in which the crime took place. The licensing authority shall report data, including  
991 but not limited to:

992 (i) the make, model, serial number and caliber of the weapon used;

993 (ii) the type of crime committed;

- 994 (iii) whether an arrest or conviction is made;
- 995 (iv) any fingerprint evidence found on the firearm;
- 996 (v) any ballistic evidence that can be retrieved from the crime scene;
- 997 (vi) if the criminal use of the firearm was related to known gang activity;
- 998 (vii) whether the weapon was obtained illegally;
- 999 (viii) the source from where the weapon was obtained;
- 1000 (ix) whether the weapon was lost or stolen; and
- 1001 (x) whether the person using the weapon was otherwise a prohibited person.

1002 The data shall be reported to the criminal firearms and trafficking unit within the  
1003 division of investigation and intelligence in the department of state police. The colonel of state  
1004 police shall produce an annual report on or before December 31 of each year on crimes  
1005 committed in the commonwealth using firearms, rifles or shotguns, large capacity weapons,  
1006 machine guns or assault weapons and shall submit a copy of such report to the joint committee  
1007 on public safety and homeland security, and upon request, to criminology, public policy and  
1008 public health researchers and other law enforcement agencies.

1009 SECTION 55. Section 3C of chapter 209A of the General Laws, as appearing in the 2012  
1010 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,  
1011 including a Class A or Class B license,”.

1012 SECTION 56. Said chapter 209A is hereby further amended by inserting after section 3C  
1013 the following section:-

1014 Section 3D. Upon an order for suspension or surrender issued pursuant to section 3B or  
1015 3C, the court shall transmit a report containing the defendant’s name and identifying information  
1016 and a statement specifying and describing the defendant’s alleged conduct and relationship to the  
1017 plaintiff, to the department of criminal justice information services. Upon the expiration,  
1018 cancelation or revocation of such an order, the court shall transmit a report containing the  
1019 defendant’s name and identifying information, a statement specifying and describing the  
1020 defendant’s alleged conduct and relationship to the plaintiff and an explanation that the order is  
1021 no longer current or valid, to the department of criminal justice information services who shall  
1022 transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney  
1023 general to be included in the National Instant Criminal Background Check System.

1024 SECTION 57. Chapter 215 of the General Laws is hereby amended by inserting after  
1025 section 56B the following section:-

1026           Section 56C. (a) Notwithstanding any general or special law or court order, including an  
1027 order of impoundment, to the contrary, the administrative office of the trial court shall transmit  
1028 any order of the probate court appointing a guardian or conservator for an incapacitated person  
1029 under Part 3 or Part 4 of Article V of the Massachusetts Uniform Probate Code on the ground  
1030 that the person lacks mental capacity to contract or manage his or her own affairs, and any  
1031 subsequent order terminating or rescinding such appointment, to the department of criminal  
1032 justice information services for the purposes of providing: (i) licensing authorities as defined  
1033 under section 121 of chapter 140 of the General Laws with information required or permitted to  
1034 be considered under state and federal law for the purpose of conducting background checks for  
1035 firearm sales or licensing; and (ii) the attorney general of the United States with information  
1036 required or permitted under federal law to be included in the National Instance Criminal  
1037 Background Check System maintained for the purpose of conducting background checks for  
1038 firearms sales or licensing. The department of criminal justice information services shall transmit  
1039 no more information than is necessary for the purpose stated above, and such information shall  
1040 not be considered a public record under section 7 of chapter 4 and section 10 of chapter 66 of the  
1041 General Laws.

1042           (b) A person found to lack the mental capacity to contract or manage his or her own  
1043 affairs may, after 5 years from the date of such finding, file a petition for relief with the probate  
1044 court that ordered the commitment requesting the court to restore the person's ability to possess a  
1045 firearm. The court may grant the relief sought in accordance with the principles of due process if  
1046 the circumstances regarding the person's disqualifying condition and the person's record and  
1047 reputation are determined to be such that: (i) the person is not likely to act in a manner that is  
1048 dangerous to public safety; and (ii) the granting of relief would not be contrary to the public  
1049 interest. In making the determination, the court may consider evidence from a licensed medical  
1050 doctor or clinical psychologist that the person is no longer suffering from the disease or  
1051 condition that caused the incapacity or that the disease or condition has been successfully treated  
1052 for a period of 3 consecutive years. Upon the granting of a petition for relief, the administrative  
1053 office of the trial court shall immediately forward a copy of the order for relief to the department  
1054 of criminal justice information services for the purposes listed in subsection (a).

1055           SECTION 58. Chapter 265 of the General Laws is hereby amended by inserting after  
1056 section 13M the following section:-

1057           Section 13N. Upon entry of a conviction for any misdemeanor offense that has an  
1058 element the use or attempted use of physical force, or the threatened use of a deadly weapon, the  
1059 court shall determine whether the victim or intended victim was a family or household member  
1060 of the defendant, as defined in section 1 of chapter 209A. If the victim or intended victim was a  
1061 family or household member of the defendant, the court shall enter the offense, the chapter,  
1062 section and subsection, if any, of the offense, and the relationship of the defendant to the victim  
1063 upon the records, and this entry shall be forwarded to the department of criminal justice  
1064 information services for inclusion in the criminal justice information system and for the purpose

1065 of providing the attorney general of the United States with information required or permitted  
1066 under federal law to be included in the National Instant Criminal Background Check System or  
1067 any successor system maintained for the purpose of conducting background checks for firearm  
1068 sales or licensing.

1069 SECTION 59. Section 21A of said chapter 265, as appearing in the 2012 Official Edition,  
1070 is hereby amended by striking out the last sentence and inserting in place thereof the following  
1071 sentence:- Whoever commits any offense described in this section while being armed with a  
1072 firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the  
1073 state prison for not less than 7 years.

1074 SECTION 60. Section 17 of chapter 266 of the General Laws, as so appearing, is hereby  
1075 amended by striking out the last sentence and inserting in place thereof the following sentence:-  
1076 Whoever commits any offense described in this section while armed with a firearm, rifle,  
1077 shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison  
1078 for not less than 7 years or in the house of correction for not less than 2 years nor more than 2  
1079 and 1/2 years.

1080 SECTION 61. Section 18 of said chapter 266, as so appearing, is hereby amended by  
1081 striking out the last sentence and inserting in place thereof the following sentence:- Whoever  
1082 commits any offense described in this section while armed with a firearm, rifle, shotgun,  
1083 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less  
1084 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more  
1085 than 2 and 1/2 years.

1086 SECTION 62. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby  
1087 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1088 (j) For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or  
1089 smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

1090 Whoever, not being a law enforcement officer, and notwithstanding any license obtained  
1091 by him pursuant to the provisions of chapter 140, carries on his person a firearm as hereinafter  
1092 defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any  
1093 elementary or secondary school, college or university without the written authorization of the  
1094 board or officer in charge of such elementary or secondary school, college or university shall be  
1095 punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or  
1096 both. A law enforcement officer may arrest, without a warrant, and detain a person found  
1097 carrying a firearm in violation of this paragraph.

1098 Any officer in charge of an elementary or secondary school, college or university or any  
1099 faculty member or administrative officer of an elementary or secondary school, college or



1100 university failing to report violations of this paragraph shall be guilty of a misdemeanor and  
1101 punished by a fine of not more than \$500.

1102 SECTION 63. Said section 10 of said chapter 269, as so appearing, is hereby further  
1103 amended by striking out, in line 188, the following words “Class A or Class B”.

1104 SECTION 64. Chapter 269 shall be amended by inserting after section 10H the following  
1105 section:-

1106 Section 10I. (a) Whoever unlawfully transports firearms into the commonwealth to use  
1107 said firearm for the commission of criminal activity shall be punished by a term of imprisonment  
1108 of not less than 5 years nor more than 10 years in the state prison.

1109 (b) Whoever unlawfully transports firearms into the commonwealth to unlawfully  
1110 distribute, sell, or transfer possession of any quantity of firearms to a prohibited person shall be  
1111 punished by a term of imprisonment of not less than 10 years nor more than 20 years in the state  
1112 prison.

1113 (c) Whoever unlawfully transports a firearm into the commonwealth to unlawfully  
1114 distribute, sell, or transfer it to a prohibited person, and if such firearm is subsequently used to  
1115 cause the death of another, shall be punished by a term of not less than 20 years in the state  
1116 prison.

1117 SECTION 65. (a) For purposes of this section, the following terms shall have the  
1118 following meanings:-

1119 “Adjudicated as a mental defective”, a determination by a court, board, commission or  
1120 other lawful authority that a person, as a result of marked subnormal intelligence, or mental  
1121 illness, incompetency, condition or disease: (i) is a danger to himself or to others; or (ii) lacks the  
1122 mental capacity to contract or manage his own affairs. The term shall include: (i) a finding of  
1123 insanity by a court in a criminal case; (ii) a finding that a person is incompetent to stand trial;  
1124 (iii) a finding of not guilty by reason of lack of mental responsibility pursuant to article 50a of  
1125 the Uniform Code of Military Justice, codified as 10 U.S.C. section 850a; or (iv) a finding of not  
1126 guilty by reason lack of mental capacity or mental responsibility pursuant to article 76b of the  
1127 Uniform Code of Military Justice, codified as 10 U.S.C. section 876b.

1128 “Committed to a mental institution”, a formal commitment of a person to a mental  
1129 institution by a court, board, commission or other lawful authority. The term includes a  
1130 commitment to a mental institution involuntarily. The term includes commitment for mental  
1131 defectiveness or mental illness. It also includes commitments for other reasons, such as for drug  
1132 use. The term does not include a person in a mental institution for observation or a voluntary  
1133 admission to a mental institution.

1134 (b) Notwithstanding section 36 of chapter 123 of the General Laws, and for the purpose  
1135 of providing licensing authorities as defined in section 121 of chapter 140 of the General Laws  
1136 with information required or permitted to be considered pursuant to state law for the purpose of  
1137 conducting background checks for firearms sales or licensing and of providing the attorney  
1138 general of the United States with information required or permitted under federal law to be  
1139 included in the National Instant Criminal Background Check System maintained for the purpose  
1140 of conducting background checks for firearms sales or licensing the department of mental health  
1141 shall, within 180 days of the effective date of this section, transmit to the department of criminal  
1142 justice information services sufficient information to identify all persons known to the  
1143 department of mental health to have been, within 20 years preceding the effective date of this  
1144 section: (i) committed to a mental institution, including a commitment for mental illness pursuant  
1145 to section 7, 8, 15 or 18 or subsections (b) and (c) of section 16 of chapter 123 of the General  
1146 Laws or a commitment for substance abuse or alcoholism pursuant to section 35 of said chapter  
1147 123; or (ii) adjudicated as a mental defective.

1148 The department of criminal justice information services shall provide no more  
1149 information than is necessary for the purpose stated above and such information shall not be  
1150 considered a public record under section 7 of chapter 4 of the General Laws.

1151 SECTION 66. Notwithstanding any general or special law to the contrary, a person  
1152 licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of  
1153 the effective date of this section, obtain from the department of criminal justice information  
1154 services all available criminal offender record information, as that term is defined in section 67  
1155 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of  
1156 section 172 of said chapter 6, for current employees to determine the continued suitability of  
1157 employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

1158 SECTION 67. There shall be a special commission established pursuant to section 2A of  
1159 chapter 4 of the General Laws to consist of: 2 members of the house of representatives; 2  
1160 members of the senate; the secretary of education, who shall serve as chairperson; the  
1161 commissioner of elementary and secondary education, or a designee; the commissioner of early  
1162 education and care, or a designee; the secretary of the executive office of public safety and  
1163 security, or a designee; and 5 persons to be appointed by the governor, 1 of whom shall be a  
1164 superintendent of a public school district in the commonwealth, 1 of whom shall be the principal  
1165 of a public school in the commonwealth, 1 of whom shall be a school resource officer of a public  
1166 school within the commonwealth and 2 of whom shall be parents a child attending a public  
1167 school in the commonwealth for the purpose of making an investigation and study relative to the  
1168 protocols, methods and practices included in and used in the development of: (i) medical  
1169 emergency response plans under section 8A of chapter 69 of the General Laws; and (ii) multi-  
1170 hazard evacuation plans under section 363 of chapter 159 of the acts of 2000. The committee  
1171 shall study and assess the effect a medical emergency response plan and a multi-hazard  
1172 evacuation plan would have in the event of school shooting. The commission shall study and

1173 determine common protocols, methods and practices included in and used by districts in the  
1174 development of medical emergency response plans and multi-hazard evacuation plans and make  
1175 recommendations relative to the development of standardized protocols and methods and best  
1176 practices for school districts to consider or satisfy in the adoption of each plan. The commission  
1177 shall study the efficacy of legislation requiring all districts to implement standardized protocols,  
1178 methods and practices, including those based on the model medical emergency response plan  
1179 developed by the department of elementary and secondary education pursuant to subsection (c)  
1180 of said section 8A or said chapter 69. The committee shall make any recommendations for the  
1181 development of a process for review and annual assessment to ensure each school district's  
1182 medical emergency response plan complies with said section 8A of said chapter 69 of the  
1183 General Laws and each school district's multi-hazard evacuation plan complies with section 363  
1184 of chapter 159 of the acts of 2000.

1185 Notwithstanding said section 2A of said chapter 4, the commission shall report the results  
1186 of its investigation and study, together with drafts of legislation, if any, necessary to carry its  
1187 recommendations into effect, by filing the report with the clerks of the house of representatives  
1188 and senate on or before July 31, 2015.

1189 SECTION 68. There shall be a special commission established pursuant to section 2A of  
1190 chapter 4 of the General Laws to consist of: 2 members of the house of representatives, 1 of  
1191 whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be  
1192 appointed by the minority leader; the commissioner of elementary and secondary education, who  
1193 shall serve as chairperson; the commissioner of early education and care, or a designee; the  
1194 commissioner of mental health, or a designee; the commissioner of developmental services, or a  
1195 designee; the commissioner of public health, or a designee; the commissioner of children and  
1196 families, or a designee; the commissioner of transitional assistance, or a designee; the  
1197 commissioner of youth services, or a designee; the child advocate, or a designee; and 2 persons  
1198 to be appointed by the governor. The commission shall study and report on mental, emotional  
1199 and behavioral health in public schools. The commission shall research and assess current health  
1200 services provided in public schools throughout the commonwealth to treat students with  
1201 emotional, mental and behavioral health needs. The commission shall develop recommendations  
1202 for improving, supplementing and bolstering current mental health services and practices to  
1203 achieve an the optimal, safe learning environment for students throughout the commonwealth.

1204 Notwithstanding said section 2A of said chapter 4, the commission shall report the results  
1205 of its study, together with drafts of legislation, if any, necessary to carry its recommendations  
1206 into effect, by filing the report with the clerks of the house of representatives and senate on or  
1207 before July 31, 2015.

1208 SECTION 69. There is hereby established a task force to consist of: the secretary of the  
1209 executive office of public safety and security, or a designee; the commissioner of public health,  
1210 or a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person selected by

1211 the Massachusetts Chiefs of Police Association; 1 person selected by the committee for public  
1212 counsel services; 1 person selected by the National Alliance on Mental Illness of Massachusetts,  
1213 Inc.; and 1 person appointed by the Massachusetts District Attorneys Association.

1214 The task force shall study and report on suitable and feasible options for the safekeeping  
1215 of a distressed person's firearms in a location away from the household, by his or her relations or  
1216 community nongovernmental organizations including, but not limited to, legal protections for:  
1217 (1) private citizens acting as good samaritans, who are of direct relation to the distressed person  
1218 by family or affection; (2) turn-in and temporary storage of a distressed person's firearm by a  
1219 licensed gun store or gun club; (3) and turn-in and temporary storage of a distressed person's  
1220 firearm by any other type of organization or facility under registration as a firearms safe harbor.

1221 The task force shall be provided with quarters in the state house or elsewhere and may: (i)  
1222 expend for expenses and for expert, legal, clerical and other assistance such sums as may be  
1223 appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or  
1224 executive meetings of the task force shall be open to the public unless a majority of the members  
1225 of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk  
1226 of either branch, and the notice or a copy thereof shall be publicly posted in the office of such  
1227 clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

1228 The task force shall report the results of its study, together with drafts of legislation, if  
1229 any, necessary to carry its recommendations into effect, by filing the report with the clerks of the  
1230 house of representatives and senate on or before July 31, 2015. The clerks of the house of  
1231 representatives and senate shall forward the report to the chairs of the joint committee on public  
1232 safety and the chairs of the joint committee on mental health and substance abuse.

1233 SECTION 70. Notwithstanding any general or special law to the contrary, no a licensing  
1234 authority, as that term is defined in section 121 of chapter 140 of the General Laws, or the  
1235 colonel of the state police appointed pursuant to section 3 of chapter 22C, shall not issue, or  
1236 renew or accept application for a Class B license to carry pursuant to section 131 or 131F of said  
1237 chapter 140 as of the effective date of this section; provided, however, that any Class B license  
1238 issued pursuant to said section 131 or 131F of said chapter 140 prior to the effective date of this  
1239 section shall remain in effect , subject to any restrictions or conditions set forth in any general or  
1240 special law, until the date on which said Class B license is set to expire or July 31, 2020,  
1241 whichever occurs first; and provided further, any application for renewal of a Class B license  
1242 filed after the effective date of this section shall not extend the license beyond the stated  
1243 expiration date pursuant to said section 131 of said chapter 140 and such Class B license shall  
1244 expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not  
1245 more than 6 years from the date of issue or January 1, 2021 whichever occurs first.

1246 SECTION 71. An application for a firearm identification card, or renewal thereof,  
1247 submitted pursuant to section 129B of chapter 140 of the General Laws or a license to carry, or

1248 renewal thereof, submitted pursuant to section 131 of said chapter 140 with a licensing authority,  
1249 as that term is defined in section 121 of said chapter 140, or the colonel of state police appointed  
1250 pursuant to section 3 of chapter 22C, on or before the effective date of this section, that is not  
1251 approved or denied on or before January 1, 2015 shall be invalid; provided, however, an  
1252 applicant who submitted an application invalidated pursuant to this section shall not be charged a  
1253 fee for submitting a new application or renewal pursuant to said section 129B of said chapter 140  
1254 or said section 131 of said chapter 140 on or before January 1, 2016. The executive office of  
1255 public safety and security shall provide, either by mail or electronic means, written proof that  
1256 such applicant submitted an application invalidated by this section and may promulgate rules and  
1257 regulations necessary to carry out this section.

1258           SECTION 72. The department of public health shall direct the division on violence and  
1259 injury prevention to develop a program of instruction on harm reduction, which shall be included  
1260 in the curriculum of hunter education courses as provided in section 14 of chapter 131, and in the  
1261 curriculum of every basic firearms safety course as provided in section 131P of chapter 140. The  
1262 program shall be developed on or before November 14, 2014.

1263           The purpose of the program shall be to promote suicide prevention through safe practices  
1264 by firearms owners. The program shall include, but shall not be limited to, information on the  
1265 following: (i) the prevalence of firearms suicide as compared to other forms of firearms violence,  
1266 including demographic trends; (ii) the risks of injury and suicide that may be associated with  
1267 household firearms, to include the rate of survival for suicide attempts by firearm; (iii) best  
1268 practices for identifying and reducing the risk of suicide involving household firearms; (iv)  
1269 available resources to learn more about safe practices and suicide prevention; and (v) additional  
1270 information determined by the commissioner to be relevant to the purpose of the program.

1271           The department shall further direct the division to develop a notice providing information  
1272 on suicide prevention, which shall be posted and distributed in accordance with clause the  
1273 fourteenth of section 123 of chapter 140 of the General Laws. Such notice shall be developed on  
1274 or before December 3, 2014 and shall include, but not be limited to the following: information on  
1275 signs and symptoms of depression, the state and federal suicide prevention hotlines and resources  
1276 for an individual at risk of suicide.

1277           SECTION 73. Subsections (b) through (f), inclusive, of section 1P of chapter 69 of the  
1278 General Laws shall be effective as of June 30, 2016.

1279           SECTION 74. The department of elementary and secondary education shall begin  
1280 providing technical assistance required under subsection (g) of section 1P of chapter 69 of the  
1281 General Laws on or before September 1, 2014.

1282           SECTION 75. The safe and supportive schools commission established under subsection  
1283 (h) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not more than  
1284 90 days after the effective date of this act, and shall meet no less than 4 times annually. The

1285 commission shall submit such annual report to the governor and the clerks of the senate and the  
1286 house of representatives, who shall forward the same to the chairs of the joint committee on  
1287 education, the chairs of the joint committee on mental health and substance abuse, the chairs of  
1288 the joint committee on children, families and persons with disabilities, and the chairs of the  
1289 house and senate committees on ways and means. The first 3 annual reports shall include  
1290 recommendations regarding: (i) federal funding sources that can be leveraged to support the  
1291 statewide implementation of the safe and supportive schools framework; (ii) training programs  
1292 and professional development for school staff on creating safe and supportive learning  
1293 environments; (iii) improving access to clinically, culturally and linguistically appropriate  
1294 services; and (iv) addressing the administrative functions necessary to carry out the  
1295 implementation of the safe and supportive schools framework.

1296           SECTION 76. On or before December 3, 2014, the department of elementary and  
1297 secondary education shall adopt rules and regulations pursuant to section 95 of chapter 71 of the  
1298 General Laws, added by section 7, requiring that all public school districts provide suicide  
1299 awareness and prevention training. School personnel hired after the effective date of this section  
1300 but before December 3, 2014 shall obtain the training on or before March 4, 2015.

1301           SECTION 77. Sections 1,3, 4, 6, 8, 10, 11, 12, 13, 14, 17, 18, 19, 21, 22, 24, 25, 26, 28,  
1302 29, 33, 35, 36, 38, 39, 41, 42, 43, 44, 48, 49, 51, 53, 54, 56, 57, 58, 59, 60, 61, 62 and 64 shall  
1303 take effect January 1, 2015.

1304           SECTION 78. Section 20 shall take effect March 1, 2015; provided that the chief  
1305 information officer of the commonwealth, in conjunction with the secretary of public safety and  
1306 security, shall procure any necessary information technology services to implement the real time  
1307 web portal pursuant to said section 20 on or before October 1, 2014.

1308           SECTION 79. Sections 15, 16, 23, 30, 31, 32, 34, 37, 40, 45, 46, 47, 50, 52, 55 and 63  
1309 shall take effect January 1, 2021.