

**SENATE . . . . . No. 1116**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Sonia Chang-Diaz*

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

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

An Act regarding the prevention of illegal trafficking and gun violence among youth in the Commonwealth.

PETITION OF:

NAME:

*Sonia Chang-Diaz*

DISTRICT/ADDRESS:

*Second Suffolk*

**SENATE . . . . . No. 1116**

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 1116) of Sonia Chang-Diaz for legislation relative to the prevention of illegal trafficking and gun violence among youth in the Commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE  
□ , NO. 1195 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act regarding the prevention of illegal trafficking and gun violence among youth in the Commonwealth.

*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. Chapter 6 of the General Laws, as so appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after section 172K the following section:-

3 Section 172L. Notwithstanding section 172, or any other general or special law to the  
4 contrary, persons licensed pursuant to sections 122 or 122B of chapter 140 shall obtain all  
5 available criminal offender record information and juvenile data as found in the court activity  
6 record information from the criminal history systems board within the executive office of public  
7 safety of all employees and volunteers prior to employment or volunteer service. Information  
8 obtained under this section shall not be disseminated for.

9 Notwithstanding section 172 of chapter 6 of the General Laws, as so appearing in the  
10 2008 Official Edition, or any other general or special law to the contrary, within 6 months of the  
11 effective date of this act persons licensed pursuant to sections 122 of chapter 140 shall obtain all  
12 available criminal offender record information and juvenile data as found in the court activity  
13 record information from the criminal history systems board within the executive office of public

14 safety of all current employees and volunteers hired before the effective date of this act.  
15 Information obtained under this section shall not be disseminated.

16 SECTION 2. Section 122B of chapter 140, as amended by section 87 of chapter 256 the  
17 acts of 2010, is hereby further amended by adding the following paragraphs:-

18 The secretary of public safety and security shall require that persons issued licenses under  
19 section 122 or this be required to install and maintain security systems to keep firearms and other  
20 weapons and ammunition kept in connection with the operation of such licenses secure. The  
21 executive office of public safety and security shall promulgate regulations for minimum  
22 requirements for adequate security systems.

23 SECTION 3. The first paragraph of Section 123 of said chapter 140, as amended by  
24 section 88 of chapter 256 of the acts of 2010, is hereby further amended by adding the following  
25 sentence:-

26 Twenty-second, That no licensee shall employ or accept as a volunteer any person, in  
27 connection with the operation of a license issued under section 122, who convicted of or  
28 adjudicated as youthful offender by means of the commission of any felony or adjudicated a  
29 delinquent by means of the commission of any offense that is a felony if committed by an adult.

30 SECTION 4. The third paragraph of section 123 of said chapter 140, as so appearing in  
31 the 2008 Official Edition, is hereby amended by inserting after the word "device.", in line 252,  
32 the following 2 sentences:-

33 No person licensed under section 122 or section 122B shall sell or otherwise transfer to  
34 any person more than 15 firearms during any 1 year period, except by devise or trust. Sales or  
35 transfers that occur at any time during such year, whether the sales or transfers amount to more  
36 than 15 in the course of a single transaction or amount to more than 15 sales or transfers in the  
37 aggregate during the course of a year, shall constitute a violation of this section.

38 SECTION 5. Said chapter 140 is hereby further amended by inserting after section 128A,  
39 the following section:-

40 Section 128A½. The executive office of public safety and security, in consultation with  
41 the department of criminal justice information systems and the department of state police, shall  
42 establish and maintain an electronic database of all reports received pursuant to section 128A and  
43 section 131Q and shall make the information contained therein available to municipal, state and  
44 federal law enforcement agencies.

45 SECTION 6. The secretary of public safety and security shall study the feasibility of the  
46 establishment of an interstate commission for the purpose of developing and promoting the  
47 adoption of an interstate compact to encourage the adoption of uniform procedures to combat  
48 illegal gun trafficking between states. The report of such study and any recommended

49 legislation or regulations shall be filed with the joint committee on public safety not later than  
50 December 31, 2013. Such report shall include but not be limited to, the steps necessary to form  
51 such an interstate commission.

52 SECTION 7. The executive office of public safety and security shall adopt regulations for  
53 the department of criminal justice information services within said office to establish an  
54 electronic database consistent with the provisions of section 128 A<sup>1</sup>/<sub>2</sub> of chapter 140 of the  
55 General Laws.

56 SECTION 8. The secretary of the executive office of public safety and security shall  
57 organize and implement a public awareness campaign to educate the public relative to illegal  
58 firearms possession, carrying and trafficking and the requirement to register firearms.

59 SECTION 9. The second sentence of section 128A of said chapter 140, as amended in  
60 Section 91 of chapter 256 of the acts of 2010, is hereby further amended by inserting after the  
61 word “services”, the following words:-

62 or to the licensing authority,

63 SECTION 10. The first sentence of Section 128B of said chapter 140, as amended by  
64 Section 92 of chapter 256 of the acts of 2010, is hereby amended by inserting after the words  
65 “licensee or person, and receives”, the following text:-

66 or keeps for any period of time,

67 SECTION 11. The first sentence of Section 128B said chapter 140, as amended by  
68 Section 92 of chapter 256 of the acts of 2010, is hereby amended by inserting after the word “  
69 services”, the following text:-

70 or the licensing authority,

71 SECTION 12. Section 128B of said chapter 140, as amended by Section 92 of the Acts  
72 of 2010 is hereby further amended by inserting after the last paragraph, the following paragraph:-

73 Whoever, being unauthorized to make such sale or transfer or whoever sells or makes  
74 such transfer to a person unauthorized to receive such a weapon in violation of this section or  
75 section 128A shall be punished by imprisonment for not less than 2 ½ years in the house of  
76 correction or not more than 5 years in state prison.

77 SECTION 13. Said Chapter 140, is hereby further amended by inserting after section  
78 128B, the following section:-

79 Section 128C. Whoever being licensed under section 122 and who purchases or  
80 otherwise accepts and keeps within the commonwealth for any period of time more than 15  
81 firearms during any 1 year period shall be punished by not more than 5 years in state prison and

82 the licensing authority shall suspend any license or identification card issued under this chapter  
83 to such person for a period not to exceed 3 years. This section shall not apply to firearms  
84 bequeathed through trust or devise.

85 SECTION 14. Said Chapter 140 is hereby further amended by inserting after section  
86 129C the following section:-

87 Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or  
88 devise, may sell, transfer or deliver such weapon to a licensed dealer or to another person if the  
89 transferee is legally permitted to purchase or take possession of such weapon or, within 180 days  
90 of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant  
91 firearms identification card or license to carry. Whoever violates this section shall be punished  
92 by a fine of not less than \$1,000 nor more than \$10,000.

93 SECTION 15. Said chapter 140, is hereby further amended by inserting after 131P the  
94 following section:-

95 Section 131Q. Any person: (1) who is licensed under section 122, section 122B or under  
96 section 131 or to whom is issued a firearms identification card or who has received a rifle,  
97 shotgun or firearm by trust or devise; and (2) who fails to report within 24 hours that a rifle,  
98 shotgun or firearm owned, possessed or under such person's control is lost or has been stolen,  
99 and such person knows that the weapon is either lost or stolen, to the licensing authority or the  
100 executive director to the criminal history systems board within the executive office of public  
101 safety, shall be punished by imprisonment in the house of correction for not more than 2 ½ years  
102 and a fine of not less than \$1,000 nor more than \$5,000.

103 SECTION 16. Said Chapter 265, is hereby further amended by inserting after section  
104 18C the following section:-

105 Section 18D. Whoever, by means of discharging a rifle, shotgun, firearm, large capacity  
106 weapon, machine gun or sawed-off shotgun, assaults another shall be punished by imprisonment  
107 in the state prison for not more than 5 years.

108 SECTION 17. Section 10 of chapter 269 of the General Laws, as so appearing in the  
109 2008 Official Edition, is hereby amended by striking out, in line 5, the words "(1) being present  
110 in or on his residence or place of business; or".