

Amendment #30 to H4517

Electronic Control Weapon

Mr. Jones of North Reading moves to amend the bill by striking out section 3 and

moves to further amend the bill by striking out section 11 and inserting in place thereof the following section:-

"SECTION 11. Chapter 140 of the General Laws is hereby amended by striking out section 131J, as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

Section 131J. (a) An "electronic control weapon," also sometimes known as a "conducted electrical weapon," shall be any portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to override voluntary motor responses, cause pain, temporarily incapacitate, injure, or kill.

(b) Sales of electronic control weapons are permitted only by firearms dealers licensed pursuant to section 122 of chapter 140. No such sale shall be made to any individual not properly licensed pursuant to sections 129B or 131 of chapter 140.

(c) No person who is not properly licensed pursuant to sections 129B or 131 of chapter 140 shall possess an electronic control weapon.

(d) Whoever violates paragraphs (b), (c) or (g) of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the house of correction for not more

than 2 ½ years, or by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any person whom he has probable cause to believe has violated this section.

(e) If an electronic control weapon is capable of deploying wires attached to prongs, a seller shall, within seven days, report all such transfers to the commissioner of the department of criminal justice information services according to the provisions set forth in section 128A, and in the case of loss, theft or recovery of any electronic control weapon, a similar report shall be made forthwith to both the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides. Whoever fails to report the loss or theft of an electronic control weapon or the recovery of an electronic control weapon previously reported lost or stolen to the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides shall be punished by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary, no person, who in good faith, reports a loss or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under section 129B on a second or subsequent occasion may be subject to suspension, revocation or be

considered unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms.

The provisions of this section shall not apply to the following exempted persons and uses:

(i) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of electronic control weapons is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(ii) To a person voluntarily surrendering an electronic control weapon therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;

(iii) The regular and ordinary transport of electronic control weapons as merchandise by any common carrier;

(iv) Possession of electronic control weapons therefor by nonresidents traveling in or through the commonwealth, providing that any electronic control weapons are enclosed in a locked case;

(v) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any electronic control weapon therefor then in his possession, for 60 days after such return or entry into the commonwealth;

(vi) The possession or utilization of any electronic control weapon during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer

or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(vii) The temporary holding, handling, or firing of an electronic control weapon for examination, trial, or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling, or firing of an electronic control weapon for examination, trial, or instruction in the presence of a holder of a firearm identification card, or where such holding, handling, or firing is for a lawful purpose;

(viii) The transfer of an electronic control weapon upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within 180 days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such electronic control weapon;

(ix) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty;

(f) Any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearms, or his firearm identification card or receipt for fee paid for such card. Upon failure to do so such person may be required to surrender to such officer said electronic control weapon which shall be taken into custody as under the provisions of section 129D, except that

such electronic control weapon shall be returned forthwith upon presentation within 30 days of said license to carry firearms, firearm identification card or receipt for fee paid for such card as hereinbefore described. Any person subject to the conditions of this paragraph may, even though no electronic control weapon was surrendered, be required to produce within thirty days said license to carry firearms, firearm identification card or receipt for fee paid for such card, failing which the conditions of section 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

(g) Any person who is required to surrender such person's firearms identification card, license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law, shall simultaneously surrender any electronic control weapon in the same manner as such other weapons are surrendered."

and moves to further amend the bill by striking out, in section 6, the definition of "Stun gun."

23 Jones

REJ
REV

Each electronic control weapon shall be returned forthwith upon presentation within 30 days of
said license to carry firearms, firearm identification card or receipt for fee paid for such card or
identification card. Any person subject to the conditions of this paragraph may, even though
no electronic control weapon was surrendered, be required to produce within three days said
license to carry firearms, firearm identification card or receipt for fee paid for such card, failing
which the conditions of section 129D will apply. Nothing in this section shall prevent any person
from being prosecuted for any violation of this chapter.

(g) Any person who is required to surrender such person's firearm identification card, license to
carry, firearm, rifle or shotgun, either by order of a court or by operation of law, shall
simultaneously surrender any electronic control weapon in the same manner as such other
weapons are surrendered.

and moves to further amend the bill by striking out, in section 6, the definition of "Semtex".

Amendment #26 to H4517

Due Process I

inserting after the word "petition."

Mr. Jones of North Reading moves to amend the bill by adding, in line 97, the following 3 sentences: X

"Upon receipt of the petition, the court shall issue a summons with the date, time and location of the hearing. The court shall direct a law enforcement officer to personally serve a copy of the petition and the summons on the respondent, or if personal service by a law enforcement officer is not possible, the court may, after a hearing, order that service be made by some other identified means reasonably calculated to reach the respondent. Service shall be made not less than 7 days prior to the hearing."

22 Jones

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ad

for

Amendment No. 10 to 1987
The court shall issue a subpoena with the date, time and location of
the hearing. The court shall direct a law enforcement officer to personally serve a copy of the
subpoena on the witness at the residence or place of employment of the witness, if possible, at least 7 days prior to the hearing.
If not possible, the court may, after a hearing, order that service be made by some other
method. Service shall be made on the
identified means reasonably calculated to reach the respondent.

H4517 – Sign-on to Amendment # 26

Rep. Harrington

Amendment #41 to H4517

notifying the agency, board, or supervisory authority governing any and all professional or civil licenses, permits, or certifications an individual

Representatives McKenna of Webster and Muradian of Grafton move to amend the bill in section 12 by adding the following new subsection,

Section 131V

(a) The clerk magistrate of the court shall forward a copy of an extreme risk protection order issued pursuant to section 131S or section 131T, the same day such order is issued, to the agency, board, or supervisory authority governing any and all professional or civil licenses, permits, or certifications an individual may hold of the determination that the individual has been deemed an extreme public safety risk due to mental illness and has been committed under this section. Such notice shall result in the mandatory review of all licenses and permits for suitability, with the recommendation from the Court that all be suspended until further notice is received from the Courts indicating that such person is no longer deemed to be an extreme public safety risk due to mental illness.

(b) Upon the expiration or termination of an extreme risk protection order, the clerk magistrate of the court shall notify the agency, board, or supervisory authority governing any and all professional or civil licenses, permits, or certifications an individual previously held and they shall conduct an evaluation of the suitable for re-establishment of such licenses, permits, or certifications.

21 McKenna,

41

No

McKenna

RC# 358

Rejected

Amendment #39 to H4517

eliminates automatic ERPO if 'respondent' is unable to attend a court date.

Representatives McKenna of Webster, Berthiaume of Spencer, Kuros of Uxbridge, Muradian of Grafton, O'Connell of Taunton, DeCoste of Norwell, Dooley of Norfolk, Crocker of Barnstable, Diehl of Whitman, Gifford of Wareham, Jones of North Reading, Kane of Shrewsbury and Orrall of Lakeville move to amend the bill in section 12, in line 106, by striking the sentence, "If the respondent does not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the petition."

20 McKenna,

39

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100

Amendment #37 to H4517

increases the standard to 'probable' cause when filing an emergency ERPO

Representatives McKenna of Webster, Gifford of Wareham, Diehl of Whitman, Dooley of Norfolk, Muradian of Grafton, DeCoste of Norwell, O'Connell of Taunton, Crocker of Barnstable, Vieira of Falmouth, Berthiaume of Spencer, Kuros of Uxbridge, Orrall of Lakeville and Frost of Auburn move to amend the bill in lines 203 and 212 by striking the word "reasonable" and by inserting in place thereof the word "probable"

19

McLennan,

37

N₁

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Rej

Amendment #36 to H4517

increasing the standard to 'significant and imminent risk'

Representatives McKenna of Webster, Berthiaume of Spencer, Whelan of Brewster, Kuros of Uxbridge, Vieira of Falmouth, Crocker of Barnstable, Gifford of Wareham, Diehl of Whitman, Dooley of Norfolk, Muradian of Grafton, DeCoste of Norwell, O'Connell of Taunton, Orrall of Lakeville and Frost of Auburn move to amend the bill in lines 204 and 213 by adding after the word "significant" the words "and imminent."

18

McKENNA,

36

EM

W. Red

Amendment #35 to H4517

increasing the standard needed to file a petition

Representatives McKenna of Webster, Diehl of Whitman, Gifford of Wareham, Dooley of Norfolk, Muradian of Grafton, DeCoste of Norwell, O'Connell of Taunton, Crocker of Barnstable, Vieira of Falmouth, Berthiaume of Spencer, Kuros of Uxbridge, Orrall of Lakeville and Frost of Auburn move to amend the bill in section 12, in line 62, by striking out the words "may pose a risk" and inserting in place thereof the words "poses a significant and imminent risk;" and further amends the bill in section 12, in line 67, by adding after the word 'significant' the words "and imminent".

17 McKenna,

35

N/

/ McKenna

RC# 357

Rejected

Amendment #33 to H4517

Increasing the standard to 'clear and convincing evidence' for the Courts to approve an ERPO petition

Representatives McKenna of Webster, DeCoste of Norwell, Dooley of Norfolk, Diehl of Whitman, Gifford of Wareham, Muradian of Grafton, Vieira of Falmouth, O'Connell of Taunton, Crocker of Barnstable, Berthiaume of Spencer, Kuros of Uxbridge, Whelan of Brewster, Orrall of Lakeville and Frost of Auburn move to amend the bill in section 12, in line 103, by striking out the words "by a preponderance of the evidence" and inserting in place thereof the words "with clear and convincing evidence"

16 McKenna,

33

No

/ McKenna

RC# 356

Rejected

Amendment #5 to H4517

Storage fees

Representatives Whelan of Brewster, Dooley of Norfolk and McKenna of Webster move to amend the bill in section 131S of section 12 by adding after subsection (k) the following new subsection after line 200:

(l) (i) Notwithstanding any general or special law to the contrary, the lawful owner of any *firearms, rifles, shotguns, machine guns, weapons or ammunition* surrendered pursuant to this chapter that are temporarily stored, either voluntarily or involuntarily, with a private business, including but not limited to a licensed retailer under section 123, gunsmith, or a bonded warehouse under section 129D shall be entitled to the return of their property at the termination of an extreme risk protection order.

(ii) If the *firearms, rifles, shotguns, machine guns, weapons or ammunition* of a respondent were transferred to and stored by a private business as noted in subsection (a) without the express written consent of the respondent, then no fees shall be charged for the return of the *firearms, rifles, shotguns, machine guns, weapons or ammunition* at the termination of an extreme risk protection order.

(iii) If the *firearms, rifles, shotguns, machine guns, weapons or ammunition* of a respondent are being transferred involuntarily or through court action, no fees can be incurred except with

written permission or consent of the respondent and only after their rights have been explained to them under section 129D of chapter 140 explaining their rights of transfer and storage of said property.

15

Whelan,

#5

ND

RD

in § 12,

Amendment #17 to H4517

Notice to petitioner

Mr. Markey of Dartmouth moves to amend the bill in line ~~138~~¹¹⁵ by inserting after the word "petitioner" the following: "at the best known address". ✓

, the first time it appears,

14

Markes

#17

has

ad

in § 12,

Amendment #16 to H4517

Setting a time frame for written order

Mr. Markey of Dartmouth moves to amend the bill in line 136 by inserting after the word "order"

the following: ", within twenty-four hours of granting said order." ✓

13

Markey

#10

Yes

Old

Amendment #15 to H4517

Providing discretion to judges

and Kaufman of
Lexington

Representatives Markey of Dartmouth, and Straus of Mattapoisett move to amend the bill in line

^{12,}
~~15,~~ by inserting after the word "for" the following: "up to".

in § 2,

co-sponsor

Ms. Fiola of Fall River

Ms. Harrington of Swanton

Mr. Howitt of Seekonk

Mr. Pappolo of Springfield

Mr. Pignatelli of Lenox

H4517 - Sign-on to Amendment # 15

Representative Stephen Kulik

Representative John C. Veis

Rep. Mark

Rep. Barrett

Rep. Koczera

Providing discretion to judges

Amendment 412 to H4517, of 1999, and House of Representatives to amend the bill to

to be inserted after the word "for" the following: "up to"

12

Markes,

#15

Chq

AD

Yes

Amendment #12 to H4517

Counsel

Representatives O'Connell of Taunton, DeCoste of Norwell, Diehl of Whitman, McKenna of Webster, Ferguson of Holden, Kane of Shrewsbury, Kuros of Uxbridge, Lombardo of Billerica, Vieira of Falmouth and Mirra of West Newbury move to amend the bill in SECTION 12, in line 118, by inserting after the word "petition," the following sentence-: "The court shall notify the respondent of his right to retain counsel to represent him at such hearing and his right to have *counsel appointed for him if he is found to be indigent as determined by the court using the standards under chapter 211D.*"

11 O'Connell,

#12

no

1 O'Connell

RC# 355

Rejected

Amendment #31 to H4517

Storage Condition Requirements

Mr. Howitt of Seekonk moves to amend the bill in section 12, in line 163 by inserting after the word "imprisonment." the following language;- "The licensing authority shall maintain the condition of any firearms or ammunition surrendered. The respondent may seek reimbursement if a third party determines the firearms or ammunition has been damaged and had their value diminished during their surrender or storage by the licensing authority."

10

Howitt

31

At

Ray

, changed

Amendment #24 to H4517

45 ~~60~~ Day Enactment

Mr. Jones of North Reading moves to amend the bill in section 13, in line 263 by striking out the number "30" and inserting in place thereof the number "~~60~~ 45" ✓

and further amend in section 14, in line 264 by striking out the number "30" and inserting in place thereof the number "~~60~~ 45" ✓

9

Jones

24
ch

ad

7

Amendment #3 to H4517

Mental Health Provision

Mr. Dooley of Norfolk moves to amend the bill in section 12, in line 107, by inserting after "petition." the following:- "Upon issuance of this petition, the court shall seek emergency restraint and hospitalization of the respondent pursuant to section 12 of chapter 123."

8

Doolley

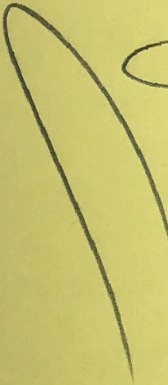
#3

N/D

// Doolley

RC # 354

Rejected

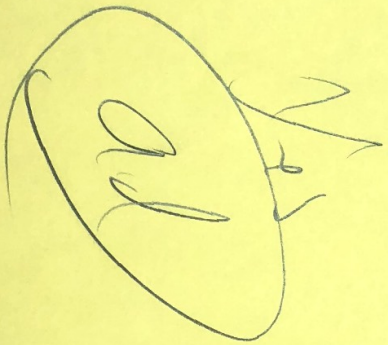


Amendment #23 to H4517

Ensuring Best Practices

Representatives Jones of North Reading, Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren move to amend the bill in section 12, in line 126, by inserting after the word "jurisdiction" ^{following sentence:} the words "The chief justice of the trial court, in consultation with the executive office of public safety and security, and the department of mental health, shall annually update the informational resource guides required under this section."

7 Jones,



Amendment #21 to H4517

Fraudulent Petition Fines

Representatives Jones of North Reading, Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren move to amend the bill in section 12, in line

~~247~~
248 by inserting after the words "fine of" the following "no less than \$2,500 and" ✓

~~and further amend, in section 12, in line 248,~~ by inserting after the word "correction" the following:- "or by both such fine and imprisonment" ✓

6

Jones,

21

1/15

ad

Amendment #8 to H4517

technical correction - changes '11' to '7'

Mr. McKenna of Webster moves to amend the bill in section 12, ⁱⁿ line 60, by striking the ~~number~~ ^{figures}
'11' and [?] including ^{figure} in place thereof the number '7'
^{inserting}

Disregard -
Done by BTR

5

McKenna

8

Disregard

omit

PTD change

Yes

AD

in lines 70, 71 and 72

Amendment #7 to H4517

technical correction makes "firearms, rifles, shotguns, machine guns, weapons" plural in line 70-72

Mr. McKenna of Webster moves to amend the bill in Section 12 by striking ~~section (iii) of sub-~~ section 131R in its entirety and inserting ^{in place there of} the following ^{paragraph} new section: "(iii) identify the number, types, and locations of any firearms, rifles, shotguns, machine guns, weapons or ammunition the petitioner believes to be in the respondent's current control, ownership, or possession; "

out the ¶ in these lines

✓

4

McKenna

#7

Yes

Ad

Amendment #9 to H4517

ERPO Mental Health Counseling Fund

Mr. Boldyga of Southwick moves to amend the bill by adding the following section:

"SECTION XXXX. This section shall create an Extreme Risk Protection Order Mental Health Counseling Fund. The fund shall be established for the needs to counsel and create mental health counseling programs for individuals who are the subject of a court ordered extreme risk protection order (ERPO). The Department of Revenue shall direct and deposit up to ten (10) million dollars annually to this fund. These monies will be derived from the sales tax revenue collected from the sale of merchandise and services at sporting goods stores and sporting goods facilities".

3

Baldyga

9

M/D

Rej

Amendment #6 to H4517
Mental Health Counseling

Mr. Boldyga of Southwick moves to amend the bill by adding the following section:

"SECTION ¹⁴~~XXXX~~. After the court issuance of an Extreme Risk Protection Order (ERPO), The court shall within 24 hours assign a state provided mental health counselor to evaluate the individual, assess counseling needs, and establish a counseling outline and program pursuant to mental health standards and practices. An initial mental health assessment conducted by the Department of Mental Health shall take place within 48 hours. The Department of Mental Health, if deemed necessary, will establish a mental health counseling program for the individual and report this back to the court that issued the Extreme Risk Protection Order. Any mental health counseling programs that an individual participates in, whether voluntarily or mandated, will be provided by and funded by the Commonwealth of Massachusetts through the newly created 'ERPO Mental Health Counseling Fund' ”.

2

Boldyga

#6

~~Hillborn RC #353~~

// Boldyga RC #352

Rejected

No

Amendment #42 to H4517

striking the bill and including instead an amendment to 209A to address one posing a serious risk to harm of one's self

Mr. McKenna of Webster moves to amend the bill by striking the language in its entirety and inserting in place thereof the following,

Section 1.

Section 1 of chapter 209A is hereby amended by inserting in line 2 after the words "household members" the following words, "or of one's self"

Section 2.

Section 1 of chapter 209A is hereby amended by inserting in the definition of "Abuse" in line 5 after the word "duress." the following new subsection:- (d) a person is an imminent risk of serious physical harm or death to themselves

1

McKenney

4517

No

42

Amendment #19 to H4517

Data Collection

Representatives Jones of North Reading, Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren move to amend the bill in section 12, by adding at the end thereof the following:-

“Section 131Y. The court shall annually, on or before December thirty-first, issue a report on the use of extreme risk protective orders. The report shall be submitted to the *Executive Office of Public Safety and Security*; the *Joint Committee on Public Safety and Homeland Security*; The *Joint Committee on the Judiciary*; the *Joint Committee on Mental Health Substance Use and Recovery*; and the *House and Senate Clerks*. The report shall include but shall not be limited to the following information:

- (1)The number of extreme risk protective order petitions filed;
- (2)The number of extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (3)The number of emergency extreme risk protective order petitions filed;
- (4)The number of emergency extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (5)The number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent. “

And further, in line 257, by striking "131X" and inserting in place thereof "131Y".

19067

Representatives Jones of North Reading and

Ms. Decker of Cambridge moves to amend the bill in section 12 by inserting at the end thereof

the following subsection: *— nine paragraphs:*

“Section 131Z. The court shall annually, on or before December thirty-first, issue a report on the use of extreme risk protective orders. The report shall be submitted to the Executive Office of Public Safety and Security; the Joint Committee on Public Safety and Homeland Security; The Joint Committee on the Judiciary; the Joint Committee on Mental Health Substance Use and Recovery; and the House and Senate Clerks. The report shall include but shall not be limited to the following information:

- (1)The number of extreme risk protective order petitions filed;
- (2)The number of extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (3)The number of emergency extreme risk protective order petitions filed;
- (4)The number of emergency extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (5)The number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;
- (6) The race and ethnicity of the petitioner and respondent;
- (7) The gender and gender identity of the petitioner and respondent;
- (8) The data on the duration of extreme risk protection orders. “

And further, in line 257, by striking "131X" and inserting in place thereof "131Y". ✓

And further in line 32, by striking "131X" and inserting in place thereof "131Y."

JJ

Jones,

#190a

AC

Mr. Sánchez of Boston moves to amend the bill by striking out section 1 and inserting in place thereof the following sections:-

SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by striking out, in line 1 the words "to 131Q" and inserting in place thereof the following words:- to 131X.

SECTION 1A. Said section 121 of said chapter 140 is hereby further amended, by inserting after the definition of "Conviction", as appearing in the 2016 Official Edition, the following definition:-

"Court", the division of the district court department or the Boston municipal court department of the trial court having jurisdiction in the city or town in which the respondent resides."

And moves to further amend the bill in section 12 by striking out, in lines 67, 204, and 213, each time it appears, the word "significant";

And moves to further amend the bill in section 12 by striking out, in lines 136 through 138, inclusive, the words: "Nothing herein shall authorize the transfer of any weapons required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer." and inserting in place thereof the following words: " ; provided, however, that nothing in this section or in said section 129D shall allow the respondent to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii) maintain control, ownership or possession of any firearms, rifles, shotguns, machine guns, weapons or ammunition during the pendency of any appeal of an extreme risk protection order; and provided further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to extreme risk protection order within 180 days of the expiration or termination of the extreme risk protection order the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns, machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention. "

And moves to further amend the bill in section 12 by inserting after the word "order." in line 113, the following words: "The court may modify its order at any subsequent time upon motion by either party. When the petitioner's address is inaccessible to the respondent as provided in subsection (d) of section 131R and the respondent has filed a motion to modify the court's order, the court shall be responsible for notifying the respondent. In no event shall the court disclose any such inaccessible address.

And moves to further amend the bill in section 12 by inserting after the word "an", in line 211, the following words: "emergency";

And moves to further amend the bill in section 12 by striking out, in lines 239 to 242, inclusive, the words "to the licensing authority; the department of criminal justice information services

Sentence contained in those lines following: "129D."

Three sentences

two

in line

and also in line

, 137 and

in line 113

who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and" and inserting in place thereof the following words: "to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and (iv)".

by & out the
in those
lines,

And moves to further amend the bill in section 12 by striking out ^{in 2255 and} lines 254 to 256, inclusive, and inserting in place thereof the following: ~~¶~~;

Section 131X. (a) Sections 131R to 131X, inclusive, shall not affect the ability of a law enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to other lawful authority. "

And moves to further amend the bill by striking out section 14 in its entirety and inserting in place thereof the following section: ~~¶~~

SECTION 14. Sections 1, 1A, 2, 4, 5, 7, 8, 9, 10 and 12 shall take effect 45 days after passage. " and

And moves to further amend the bill by inserting before the enacting clause, the following emergency preamble: ~~¶~~

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the 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."

29 Savelley

Hortum's Tech

43

OP

Amendment #13 to H4517

Right to appeal

Representatives O'Connell of Taunton, Diehl of Whitman, DeCoste of Norwell, Kane of Shrewsbury, Lombardo of Billerica, Ferguson of Holden, McKenna of Webster, Kuros of Uxbridge and Mirra of West Newbury move to amend the bill in SECTION 12, line 200 by adding after the words "section 129D" the following new subsection:-

"(1) Each extreme risk protection order issued by the court shall contain the following statement:

You have the right to request 2 hearings to terminate this order during every 1-year period that this order is in effect, starting from the date of this order and continuing through any renewals of the order."

13

O'Connell,

27

NO

PEJ

Amendment #1 to H4517

Appeals Process

Mr. Dooley of Norfolk moves to amend the bill in section 12, after line 253, by inserting the following:-

“Section 131W1/2. (a) The respondent may submit 1 written request for a hearing to terminate an extreme risk protection order issued pursuant to section 131U during each 1-year period that the order is in effect, starting from the date of the order and continuing through any renewals of the order.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Written notice of the request shall be served on the petitioner, and written notice of the hearing shall be served on the petitioner and the respondent, by certified mail. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(c) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in subsection (d) of section 131U.

(d) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

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Amendment #25 to H4517

Protection Order Appeal

Mr. Jones of North Reading moves to amend the bill in section 12, in line 248, by adding the following section:- "Section 131V 1/2. (a) The respondent may submit 1 written request for a hearing to terminate an extreme risk protection order issued pursuant to section 131U during each 1-year period that the order is in effect, starting from the date of the order and continuing through any renewals of the order.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Written notice of the request shall be served on the petitioner, and written notice of the hearing shall be served on the petitioner and the respondent, by certified mail. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(c) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her possession a license to carry firearms or firearm identification card or by having in his control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in subsection (d) of section 131U.

(d) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order."

~~Jones~~
Ms. Decker of Cambridge moves to further amend amendment No. 25 by striking out the text and inserting in place thereof the following:-

Ms. Decker of Cambridge moves to amend the bill in section 12 by inserting at the end thereof the following subsection: — *paragraph*

(l) The supreme judicial court and the appeals court shall have concurrent jurisdiction to review any proceedings had, determinations made, and orders or judgments entered in the court pursuant to this section or section 131T. The supreme judicial court or the appeals court, subject to the provisions of section 13 of chapter 211A may by rule vary the procedure authorized or required for such review upon a finding that the review by the court will thereby be made more simple, speedy and effective.

H4517 - Sign-on to Amendment # 25

Rep. Harrington

Amendment 22 to 41527
Protection Order Appeal

The court of appeals hereby orders to amend the order in section 22 in the 21K by adding the following section: Section 22.1 (a) The respondent may submit a written request for a hearing to terminate an extreme risk protection order. The hearing shall be held on each 1-year period that the order is in effect starting from the date of the order and continuing through any renewals of the order.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Written notice of the request shall be served on the petitioner and written notice of the hearing shall be served on the petitioner and the respondent, by certified mail. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of receipt of the request by the petitioner.

The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her possession a firearm to carry firearms or firearm identification card or by having in his control, ownership or possession a firearm. If a shotgun, machine gun, weapon or ammunition, the court may consider any relevant evidence including evidence of the respondent listed in subsection (d) of section 22.10.

(d) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

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~~James~~

Parker

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Amendment #38 to H4517

eliminates the addition of stun guns to to definition of 'firearms'

Representatives McKenna of Webster, Gifford of Wareham, Diehl of Whitman, Dooley of Norfolk, DeCoste of Norwell, O'Connell of Taunton, Whelan of Brewster, Crocker of Barnstable, Berthiaume of Spencer, Kuros of Uxbridge, Orrall of Lakeville and Frost of Auburn move to amend the bill by striking out section 3 in its entirety

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