

Amendment ID: H4539-4

2nd Reading Amendment 4

Information to petitioner about behavioral health resources

Messrs. Keenan and Ross move to amend the bill by inserting in line 97, after the proposed subsection (e), the following new subsection:-

(f) upon receipt of a petition under this section, if the petitioner is a family or household member as defined in section 121, the clerk of the court shall provide to the petitioner informational resources about crisis intervention, mental health, substance use disorders and counseling services, and about the process to apply for a temporary commitment under section 12 of chapter 123.

Adopted
Adopted

ADOPTED

Amendment ID: H4539-7-R2

2nd Redraft Amendment 7

Time to turnover firearms

Mr. Tarr and Ms. Friedman move to amend the bill in said section 12, by striking out, in line 148, the words "within twenty-four hours of granting said order";

Adopted

ADOPTED

Amendment ID: H4539-9-R1

Redraft Amendment 9

Licensing Authority

Ms. O'Connor Ives moves to amend the bill in section (i), in line 192 by deleting the word "confirming" and replacing it thereof with the following:- "the licensing authority of the municipality where the respondent resides, confirms"

Rejected
Adopted

REJECTED

Amendment ID: H4539-10

Amendment 10

Standard of Evidence

Messrs. Fattman and Ross move to amend the bill in section 12, by striking out, in line 110, the words "a preponderance of the" and inserting in place thereof the following words:- "clear and convincing".

Rejected

ADOPTED

Amendment ID: H4539-14

Amendment 14

Maintaining Ownership

Messrs. Tarr and Humason move to amend the bill by striking in line 152 the following word:-

"ownership"

Adopted

Rejected

REJECTED

Amendment ID: H4539-16

Amendment 16

Holding Period

Mr. Humason moves to amend the bill , in SECTION 12, by striking out, in line 157, the words "180 days" and inserting in place thereof the following words:- "360 days"

and further, ,in said section, by striking out, in line 222, the words "180 days" and inserting in place thereof the following words:- "360 days".

Rejected

Amendment ID: H4539-25-R1

Redraft Amendment 25

Right to Legal Counsel

Mr. Tran moves to amend the bill "(f) The court shall notify the respondent of the respondent's right to retain counsel to represent the respondent at the hearing on the petition conducted pursuant to section 131S."

Adopted

ADOPTED

Amendment ID: H4539-26-R1

Adopted

Redraft Amendment 26

Stun Gun Corrections

Messrs. Brownsberger and Tarr move to amend the bill by striking sections 3 and 11 and by adding the following new section:-

“SECTION X. Section 131J of Chapter 140 is hereby deleted in its entirety and replaced with the following:

(a) No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive purposes a stun gun as defined in section 121 of this chapter, unless that person is at least twenty one years of age and has been issued a firearms identification card pursuant to section 129B of chapter 140 or a license to carry firearms pursuant to section 131 of chapter 140.

(b) Whoever violates subsection (a) 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 1/2 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.

(c) Whoever, not being licensed as provided in section 122B of this chapter, sells a stun gun shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than 2 years.

(d) Whoever sells a stun gun to a person younger than 21 years of age shall have the license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not

more than 10 years or by imprisonment in a house of correction for not more than 2 1/2 years or by both such fine and imprisonment.

(f) The following shall be exempt from subsections (b) and (c):

(i) a federal, state, municipal, or university law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of the officer or member's official duties who has completed a training course approved by the secretary of public safety in the use of such a stun gun;

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

(iii) a licensed supplier of such stun guns, if possession of the stun gun is necessary to the supply or sale of the stun gun within the scope of such sale or supply enterprise.

(iv) a person voluntarily surrendering a stun gun 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;

(v) The regular and ordinary transport of stun guns as merchandise by any common carrier;

(vi) Possession of stun guns therefor by nonresidents traveling in or through the commonwealth, providing that any stun guns are enclosed in a locked case;

(vii) 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 stun gun therefor then in his possession, for 60 days after such return or entry into the commonwealth;

(viii) The possession or utilization of any stun gun 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;

(ix) The temporary holding, handling, or firing of a stun gun 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 a stun gun 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;

(x) The transfer of a stun gun 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 stun gun;

(g) 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 stun gun which shall be taken into custody as under the provisions of section 129D, except that such stun gun 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 stun gun 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.

(h) 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 stun gun in the same manner as such other weapons are surrendered.

(i) The secretary of public safety shall adopt regulations governing storage of devices or weapons under this section and law enforcement training on the appropriate use of devices or weapons issued under this section.”;

And to further amend the bill by adding in line 43 the words “regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead,” after the words “a portable device or weapon,”

And by adding in line 44 after the term “incapacitate” the words “temporarily, injure or kill”

ADOPTED

Amendment ID: H4539-24-R3

3rd Redraft Amendment 24

Establishing the Firearms Law Review Commission

Mr. Tran moves to amend the bill in section 12, in proposed section 131Z, by striking out clause (8) and inserting in place thereof the following 3 clauses:-

“(8) The data on the duration of extreme risk protection orders;

(9) The number of instances in which an order has been terminated or otherwise modified prior to its original expiration date; and

(10) The number of instances in which a fine has been assessed for a filed petition that was deemed to be fraudulent.”.

Adopted

REJECTED

Amendment ID: H4539-30-R1

Redraft Amendment 30

History of Harassment

Mr. Tarr moves to amend the bill by inserting a new section after the word "petition in line 82:-

(vi) identify whether the petitioner has a history of harassing the respondent

Rejected

Amendment ID: H4539-36

Amendment 36

Disposition of weapons for which a lawful owner cannot be ascertained

Messrs. Keenan and Welch move to amend the bill by striking the words “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” in lines 158 through 162 and insert in place thereof the words:- “shall dispose of said firearms, rifles, shotguns, machine guns, weapons or ammunition by destroying or arranging for the destruction of the items at the earliest opportunity, and pursuant to regulations promulgated by the executive office of public safety.”; and

by striking the words “pursuant to section 129D” in line 224 and inserting in place thereof the words:- “by destroying or arranging for the destruction of the items at the earliest opportunity, and pursuant to regulations promulgated by the executive office of public safety.”

Rejected

ADOPTED

Amendment ID: H4539-37-R1

Redraft Amendment 37

ERPO Procedural Amendment

Mr. Brownsberger moves to amend the bill in section 12, by striking, in lines 260-263, the words “a report containing the respondent's name and identifying information, a statement describing the respondent's alleged conduct and relationship to the petitioner and an explanation that the order is no longer current or valid” and inserting the following words:- “transmit the petition, summons, and a copy of the order and written findings

Adopted

REJECTED

Amendment ID: H4539-42

Amendment 42

False Accusations Punishment

Messrs. Tarr and Ross move to amend the bill by striking out Section 131V in line 269 and replacing it with the following:-

Section 131V. Any person who files a petition for an extreme risk protection order and knowingly provides false evidence, or files a petition with the intent to harass the respondent shall be subject to a harassment prevention order pursuant to chapter 258E. Said person shall also be held responsible for any court costs and reasonable expenses incurred by the respondent in their defense. Said person shall also be punished by a fine of no more than \$10,000 or by imprisonment for no more than 5 years or both.

Rejected

Amendment ID: H4539-43

Amendment 43

Mental Health Materials

Messrs. Tarr and Ross move to amend the bill by inserting in line 138 after the word "section" the following: "The department of mental health shall develop materials concerning state and community resources of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The department shall provide these materials to the courts who shall make these materials and resources available as part of or in addition to the informational brochures described in this section."

Adopted

ADOPTED, AS AMENDED, RC# 413

Amendment ID: H4539-6

Amendment 6

Procedures if respondent does not appear in court

Mr. Keenan moves to amend the bill by inserting after the word "petition" in line 113 the following words: - "; provided, that the petition has been duly filed with complete information and the court finds that the petitioner meets the evidentiary standard established herein"

Trans 413 #413

Adopted, as amended (6.1)

38-0

ADOPTED

Amendment ID: H4539-6.1

Further Amendment 6.1

Procedures if respondent does not appear in court

Messrs. Tarr and Keenan move that the amendment be amended by striking the underlying amendment in its entirety and inserting in place thereof the following:-

in section 12, by inserting after the word "petition", in line 113, the following words:- "upon a determination that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a risk".

Adopted

Amendment ID: H4539-11-R1

Redraft Amendment 11

Licensing Authority

Mr. Tarr moves to amend the bill in said section 12, in proposed section 131X of chapter 140 of the General Laws, by inserting after subsection (a) the following subsection:-

“(a $\frac{1}{2}$) Nothing in sections 131R to 131X, inclusive, shall supersede or limit a licensing authority’s ability to suspend or revoke a license that the licensing authority has issued pursuant to other lawful authority.”.

Tarr vs W # 414

Adopted

(28-0)

REJECTED

Amendment ID: H4539-13

Rejected

Amendment 13

The Rightful Return of Property

Messrs. Tarr, Humason and Ross move to amend the bill by inserting after SECTION 8 the following:-

"SECTION 9: Section 129D of Chapter 140 shall be amended by inserting after the word "section" in the fourth paragraph the following:-

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.

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.

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."

REJECTED

Amendment ID: H4539-18

Amendment 18

Risk of Harm

Messrs. Tarr and Ross move to amend the bill by inserting in line 110 after the letter "a" the following: -"present or foreseeable"

Rejected

REJECTED

Amendment ID: H4539-19-R1

Redraft Amendment 19

Petitioners

Mr. Tarr moves to amend the bill by inserting in line 35 after the word "resides" the following:-

"or a health care provider" "; and by inserting in line 284 after the word "no" the following

words:- "health care provider,"

Rejected

REJECTED

Amendment ID: H4539-20

Rejected

Amendment 20

The Rightful Return of Property

Ms. Gobi moves to amend the bill by adding the following section:-

SECTION XX. Section 129D of Chapter 140 is hereby amended by inserting after the word “section” in the fourth paragraph the following:-

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.

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.

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.

ADOPTED, AS AMENDED

Amendment ID: H4539-32

Amendment 32

Modifying the order

Messrs. Tarr and Ross move to amend the bill by inserting in line 119 after the word "party":-
"provided that due notice is given to the respondent and petitioner, and the court holds a hearing
on said motion"

*Adopted, as amended
32.1*

ADOPTED

Amendment ID: H4539-32.1

Further Amendment 32.1

Clarification

Mr. Humason moves that the amendment be amended by inserting at the end thereof the following:- " and further, by inserting, in line 118, after the word "modify" :- "suspend, or terminate"

Adopted

REJECTED

Amendment ID: H4539-33

Amendment 33

Inclusion of Petition Information

Mr. Tarr moves to amend the bill by inserting after clause (v) in line 82 the following :- “(vi) identify the conditions or circumstances which qualifies the petitioner as a family or household member with sufficient knowledge about the respondent.”

Rejected

REJECTED

Amendment ID: H4539-34-R1

Redraft Amendment 34

Court Consultation with Mental Health Experts

Mr. Tarr moves to amend the bill by inserting into line 112 after the words "weapon or ammunition," the following:-"The court may hear from a medical or mental health expert to assist in their determination. The expert may give an opinion whether the respondent poses a risk of causing bodily injury to self or others based on the information available without the need to examine the respondent but may examine the respondent with the respondent's consent and give an opinion based on the facts elicited and the information available. The refusal of the respondent to consent to such examination shall not be considered in the court's determination."

Rejected

REJECTED

Amendment ID: H4539-38-R1

Redraft Amendment 38

Mental Health Hearing

Mr. Tarr moves to amend the bill by inserting in line 109 after (c) the following:-"the court during the hearing shall inform the petitioner and respondent of the ability for the petitioner to seek a hearing as established under section 12 of chapter 123"

Rejected

Adopted

Data Reporting

Messrs. Keenan and Welch move to amend the bill by striking lines 298 through 308 in their entirety, and inserting in place thereof the words:-

- (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 extreme risk protective order petitions that are heard but not granted*
- (4) *The number of emergency extreme risk protective order petitions filed;*
- (5) *The number of emergency extreme risk protective order petitions that lead to a respondent's forfeiture subject to Section 131X;*
- (6) *The number of emergency extreme risk protective order petitions that are heard but not granted*
- (7) *The number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;*
- (8) *The race and ethnicity of the petitioner and respondent;*
- (9) *The gender and gender identity of the petitioner and respondent;*
- (10) *The data on the duration of extreme risk protection orders.*

Amendment ID: H4539-5

Amendment 5

Imminent risk of harm

Mr. Keenan moves to amend the bill by striking the words "a risk" in line 228 and in line 236, and inserting in place thereof, in each instance, the words:- "an imminent risk"

Rejected

REJECTED

Amendment ID: H4539-41

Rejected

Amendment 41

Preventing Illegal Gun Trafficking

Ms. Chang-Diaz moves to amend the bill (House No. 4539) by inserting at the end thereof the following new sections:-

“SECTION 15. Section 123 of Chapter 140 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “device”, in line 520, the following two sentences:-

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

SECTION 16. The secretary of public safety and security shall study the feasibility of the establishment of an interstate commission for the purpose of developing and promoting the adoption of an interstate compact to encourage the adoption of uniform procedures to combat illegal gun trafficking between states. The report of such study and any recommended legislation or regulations shall be filed with the joint committee on public safety not later than six months from the passage of this act. Such report shall include but not be limited to, the steps necessary to form such an interstate commission.

SECTION 17. Said Chapter 140 is hereby further amended by inserting after section 128B, the following section:-

REJECTED

Section 128C. Whoever being licensed under section 122 and who purchases or otherwise accepts and keeps within the commonwealth for any period of time more than 15 firearms during any 1 year period shall be punished by not more than 5 years in state prison and the licensing authority shall suspend any license or identification card issued under this chapter to such person for a period not to exceed 3 years. This section shall not apply to firearms bequeathed through trust or devise.

SECTION 18. Said Chapter 140 is hereby further amended by inserting after section 129C the following section:-

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

SECTION 19. Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "(1) being present in or on his residence or place of business; or".

REJECTED

Amendment ID: H4539-1

Amendment 1

Further Reducing the Risk of Gun Violence

Mr. Welch, Ms. L'Italien, Messrs. Humason and Tarr move to amend the bill by inserting at the end thereof the following section:-

“SECTION XYZ. Notwithstanding any general or special law to the contrary, no teacher in any public or private educational institution, shall be required, as a condition of employment, to carry or be licensed to carry any firearms.”

Rejected

ADOPTED

Amendment ID: H4539-31-R1

Adopted

Redraft Amendment 31

Technical Amendment

Ms. Creem moves to amend the bill by striking out section 1A and inserting in place thereof the following section:-

“SECTION 1A. Said section 121 of said chapter 140 is hereby further amended by adding the following paragraph:-

As used in sections 131R to 131X, inclusive, the word “court” shall, unless the context clearly requires otherwise, mean 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

in section 12, by inserting after the word “order”, in line 118, the first time it appears, the following words:- “within 24 hours of granting the order”; and

in said section 12, by striking out, in line 134, the word “abuse” and inserting in place thereof the following words:- “use disorders”; and

in said section 12, by inserting after the word “their”, in line 147, the following words:- “control, ownership or”; and

in said section 12, in the proposed second paragraph of subsection (a) of section 131T of chapter 140 of the General Laws, by adding the following sentence:-

“An order issued under this subsection shall expire 10 days after its issuance or upon a hearing held pursuant to subsection (a) or (b) of section 131S, whichever is sooner.”