

HOUSE No. 4278

The Commonwealth of Massachusetts

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

In the Year Two Thousand Fourteen

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 a 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.