

REPUBLISHED AS CORRECTED

HOUSE No. 4376

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2284) of the House Bill relative to the reduction of gun violence (House, No. 4285), reported recommending passage of the accompanying bill (House, No. 4376). July 30, 2014.

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HOUSE No. 4376

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 regulate forthwith 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, amended by section 1 of
2 chapter 77 of the acts of 2013, is hereby amended by adding the following subsection:-

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 Criminal Background Check System or any successor system maintained for the
7 purpose to conduct background checks for firearms sales or licensing. No more information than
8 is necessary for the purposes stated above shall be transmitted, and such information shall not be
9 considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of
10 chapter 66.

11 SECTION 2. Subsection (a) of section 172 of said chapter 6, as appearing in the 2012
12 Official Edition, is hereby amended by adding the following clause:-

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

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

17 Section 172L. Notwithstanding section 172 or any other general or special law to the
18 contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the
19 department all available criminal offender record information prior to accepting a person as an
20 employee to determine the suitability of such employee who may have direct and unmonitored
21 contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section
22 shall not disseminate such information for any purpose other than the further protection of public
23 safety.

24 SECTION 4. Section 18 $\frac{3}{4}$ of chapter 6A of the General Laws, as appearing in the 2012
25 Official Edition, is hereby amended by adding the following clause:-

26 (10) to develop a biennial report to be sent to the clerks of the house of representatives
27 and senate, the house and senate committees on ways and means and the house and senate chairs
28 of the joint committee on public safety and homeland security not later than March 1 of every
29 even-numbered year. The report shall contain, but not be limited to, the following information:
30 (i) statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses,
31 to serve as an examination of the effectiveness of the commonwealth's firearms-related
32 regulations; (iii) aggregate data on the source of firearms that have been confiscated and
33 identified as being used in a crime or in an attempted or completed suicide during the report
34 period, including aggregate information on the manufacturer, state of origin and last known point
35 of sale, transfer, loss or theft of such firearms; (iv) an explanation of substantial changes in state
36 and federal firearms-related laws and firearms-related statistics in the commonwealth; (v)
37 information and statistics concerning the number of transactions annually involving multiple
38 purchases of firearms or the purchase by the same licensee of 5 or more firearms in a 4-month
39 period including an analysis of whether such firearms were used in a crime as identified and
40 reported on in section 131Q of chapter 140.

41 SECTION 5. Section 6 of chapter 22C of the General Laws, as so appearing, is hereby
42 amended by adding the following paragraph:-

43 Subject to appropriation, the commonwealth fusion center shall assist the offices of the
44 attorney general and district attorneys in the investigation and prosecution of state firearm
45 crimes; provided, however, that the colonel may establish within the division a special unit
46 known as the criminal firearms and trafficking unit to assist the offices of the attorney general
47 and district attorneys in the investigation and prosecution of state firearm crimes.

48 SECTION 6. Chapter 69 of the General Laws is hereby amended by inserting after
49 section 10 the following section:-

50 Section 1P. (a) As used in this section the term "safe and supportive schools" shall mean
51 schools that foster a safe, positive, healthy and inclusive whole-school learning environment that
52 (i) enables students to develop positive relationships with adults and peers, regulate their
53 emotions and behavior, achieve academic and non-academic success in school and maintain

54 physical and psychological health and well-being; and (ii) integrates services and aligns
55 initiatives that promote students' behavioral health, including social and emotional learning,
56 bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental
57 health, foster care and homeless youth education, inclusion of students with disabilities, positive
58 behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

59 (b) Consistent with the framework recommended by the behavioral health and public
60 schools task force created under section 19 of chapter 321 of the acts of 2008, the department of
61 elementary and secondary education shall develop a safe and supportive schools framework. The
62 framework shall provide guidance and support to schools to assist with the creation of safe and
63 supportive schools that improve education outcomes for students.

64 (c) Subject to appropriation, any city, town or school district by vote of its school
65 committee may implement the safe and supportive schools framework developed under
66 subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create
67 safe and supportive school environments and coordinate and align student support initiatives.

68 (d) The self-assessment tool created by the department consistent with the
69 recommendations of the behavioral health and public school task force created under section 19
70 of chapter 321 of the acts of 2008 shall be organized according to the elements of the framework
71 established under subsection (b), and shall be used by schools to: (i) assess their capacity to
72 create and sustain safe and supportive school environments for all students; (ii) identify areas
73 where additional school-based action, efforts, guidance and support are needed to create and
74 maintain safe and supportive school environments; and (iii) create action plans to address the
75 areas of need identified by the assessment.

76 The board shall develop procedures for updating, improving or refining the safe and
77 supportive schools framework and the safe and supportive schools self-assessment tool, in
78 consultation with the safe and supportive schools commission established under subsection (g).

79 (e) Subject to appropriation, any city, town or school district by vote of its school
80 committee may develop and implement an action plan to create and maintain the safe and
81 supportive schools framework. The action plan shall be developed by the school principal, in
82 consultation with the school council established under section 59C of chapter 71, and shall be
83 incorporated into the annual school improvement plan required under section 1I; provided,
84 however, that the district superintendent may approve an alternative process and schedule for
85 developing school action plans. Nothing in this section shall be construed as to limit the ability
86 of the school principal to appoint a team to develop the school's action plan; provided, however,
87 that such team shall include a broad representation of the school and local community and the
88 principal shall attempt to include teachers and other school personnel, parents, students and
89 representatives from community-based agencies and providers.

90 School action plans shall be designed to address the areas of need identified through the
91 use of the self-assessment tool described in subsection (d), and shall include the following: (i)
92 strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a
93 timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for
94 evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may
95 include attendance and graduation rates, bullying incidences, number of student suspensions,
96 expulsions and office referrals, truancy and tardiness rates, time spent on learning and other
97 measures of school success; and (iv) a process and schedule for reviewing the plan annually and
98 updating it at least once every 3 years. School action plans shall be published on the district's
99 website.

100 (f) Subject to appropriation, the department shall facilitate and oversee the
101 implementation of the safe and supportive schools framework in schools that vote to develop and
102 implement the framework. The department shall, subject to appropriation: (i) provide technical
103 assistance to schools on using the self-assessment tool and developing school action plans, and to
104 districts on coordinating with community service providers and developing strategies to facilitate
105 the district-wide implementation of the framework; (ii) develop and disseminate model protocols
106 and practices identified in the framework; (iii) establish a safe and supportive schools grant
107 program, subject to appropriation, through which grantees shall pilot and share with other
108 schools an effective process for developing and implementing school action plans; (iv) update its
109 website to include the framework, the self-assessment tool, best practices and other information
110 related to the implementation of the framework; and (v) host regional trainings for schools and
111 districts, subject to appropriation; and (vi) provide administrative support to the safe and
112 supportive schools commission established under subsection (e), subject to appropriation.
113 Nothing in this section shall be construed as limiting the ability of the department to contract
114 with individuals, external partners or other entities to support the functions established under this
115 section; provided, however, that the department shall consider opportunities for education
116 collaboratives or other regional service organizations to coordinate and disseminate training,
117 technical assistance and information to school districts on the implementation of the framework.

118 (g) There shall be a safe and supportive schools commission to collaborate with and
119 advise the department on the feasibility of state-wide implementation of the framework. The
120 commission shall consist of 18 members: 1 of whom shall be the commissioner of elementary
121 and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the
122 secretary of education or a designee; 1 of whom shall be a school superintendent appointed by
123 the Massachusetts Association of School Superintendents; 1 of whom shall be a school
124 committee member appointed by the Massachusetts Association of School Committees; 1 of
125 whom shall be a school principal appointed jointly by the Massachusetts Secondary School
126 Administrators' Association and the Massachusetts Elementary School Principals Association; 1
127 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the
128 American Federation of Teachers Massachusetts; 1 of whom shall be a director of special

129 education or director of student support services appointed by the Massachusetts Administrators
130 for Special Education; 1 of whom shall be an executive director of an education collaborative
131 appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a
132 school psychologist appointed by the Massachusetts School Psychologists Association; 1 of
133 whom shall be a school social worker appointed by the Massachusetts Chapter of the National
134 Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance
135 counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a
136 school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an
137 advocate with experience in education, behavioral health and the impact of trauma on learning
138 appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the
139 Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1
140 of whom shall be a student appointed by the Board of Elementary and Secondary Education
141 Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of
142 whom shall be a former member of the behavioral health and public schools task force who
143 participated in the development and statewide evaluation of the self-assessment tool; 1 of whom
144 shall be a former member of the behavioral health and public schools task force with experience
145 implementing the framework; and 1 of whom shall be a representative from a community-based
146 organization that provides services as part of the children’s behavioral health initiative and that
147 provides mental health services in schools. The commission shall select a co-chair from among
148 its appointees.

149 The commission shall: (i) investigate and make recommendations to the board on
150 updating, improving and refining the framework and the self-assessment tool as appropriate; (ii)
151 identify strategies for increasing schools’ capacity to carry out the administrative functions
152 identified by the behavioral health and public schools task force; (iii) propose steps for
153 improving schools’ access to clinically, culturally and linguistically appropriate services; (iv)
154 identify and recommend evidenced-based training programs and professional development for
155 school staff on addressing students’ behavioral health and creating safe and supportive learning
156 environments; (v) identify federal funding sources that can be leveraged to support statewide
157 implementation of the framework; (vi) develop recommendations on best practices for
158 collaboration with families, including families of children with behavioral health needs; and (vii)
159 examine and recommend model approaches for integrating school action plans, required under
160 subsection (e), with school improvement plans and for using the framework to organize other
161 school and district improvement processes.

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

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

173 The commission shall prepare and submit an annual progress report concerning the
174 commission's activities with appropriate recommendations, together with drafts of legislation
175 necessary to carry out such recommendations, if any, on or before December 31 The commission
176 shall meet not fewer than 4 times annually. The commission shall submit such annual report to
177 the governor and the clerks of the senate and the house of representatives, who shall forward the
178 same to the chairs of the joint committee on education, the chairs of the joint committee on
179 mental health and substance abuse, the chairs of the joint committee on children, families and
180 persons with disabilities, and the chairs of the house and senate committees on ways and means.
181 The first 3 annual reports shall include recommendations regarding: (i) federal funding sources
182 that may support statewide implementation of the safe and supportive schools framework; (ii)
183 training programs and professional development for school staff on creating safe and supportive
184 learning environments; (iii) improving access to clinically, culturally and linguistically
185 appropriate services; and (iv) addressing the administrative functions necessary to carry out the
186 implementation of the safe and supportive schools framework.

187 SECTION 7. Subsection (a) of section 8A of chapter 69 of the General Laws, as so
188 appearing, is hereby amended by striking out the third paragraph and inserting in place thereof
189 the following paragraph:-

190 Plans shall be developed in consultation with the school principal, school nurse, school
191 athletic director, team physicians, coaches, trainers and local police, fire and emergency
192 personnel, as appropriate. Schools shall practice the response sequence at the beginning of each
193 school year and periodically throughout the year and evaluate and modify the plan as necessary.
194 School officials shall review the response sequence with local fire and police officials at least 1
195 time each year and shall conduct periodic walk-throughs of school campuses. Plans shall be
196 submitted once every 3 years to the department of elementary and secondary education, the local
197 police department and the local fire department not later than September 1. Plans shall be
198 updated in the event of new construction or physical changes to the school campus as determined
199 by the local police department.

200 SECTION 8. Section 3A of chapter 70B of the General Laws, as so appearing, is hereby
201 amended by striking out subsection (a) and inserting in place thereof the following paragraph:-

202 There shall be a school building advisory board comprised of: the state auditor or a
203 designee; the inspector general or a designee; the superintendent of the state police or a designee;

204 the state fire marshal or a designee; the director of the Massachusetts emergency management
205 agency; the executive director of the authority, who shall serve as the secretary to the advisory
206 board and shall be a nonvoting member of the board; and 17 members to be appointed by and
207 represent the following nongovernmental organizations: Massachusetts Municipal Association,
208 Inc., Massachusetts Association of School Committees, Inc., the Massachusetts Mayors
209 Association, Inc., Massachusetts Association of School Superintendents, Inc., Massachusetts
210 Association of Regional Schools, Inc., Massachusetts Building Trades Council, the
211 Massachusetts chapter of Associated Builders & Contractors, Inc., Massachusetts Alliance for
212 Small Contractors, American Council of Engineering Companies of Massachusetts, Associated
213 Subcontractors of Massachusetts, Inc., American Institute of Architects-Massachusetts,
214 Massachusetts Smart Growth Alliance, Massachusetts Taxpayers Foundation, Inc., Associated
215 General Contractors of Massachusetts, Inc., Massachusetts Chiefs of Police Association
216 Incorporated, Fire Chiefs' Association of Massachusetts, Inc. and acting jointly, the
217 Massachusetts Teachers Association and Massachusetts Federation of Teachers. The advisory
218 board shall assist the authority in the development of general policy regarding school building
219 construction, renovation, reconstruction, maintenance and facility space, preservation of open
220 space and minimization of loss of open space, thoughtful community development, cost
221 management, adequate provisions for safety and security and shall provide technical advice and
222 input to the authority. The advisory board shall meet at least quarterly.

223 SECTION 9. Section 14 of said chapter 70B, as so appearing, is hereby amended by
224 inserting after the word "equipment", in line 5, the following words: - , including upgrades and
225 technological devices necessary for enhanced safety and security.

226 SECTION 10. Said chapter 70B of the General Laws is hereby further amended by
227 adding following section:-

228 Section 20. The authority shall, in cooperation with a school district or municipality,
229 submit plans or blueprints approved by the authority, associated with approved construction,
230 renovation or reconstruction of a school building, to the local police department, fire department,
231 Massachusetts emergency management agency and any regional law enforcement entity. The
232 plans shall identify points of entry into a school building, emergency access routes for ingress or
233 egress and other public safety features, including, but not limited to: fire hydrants, utility access
234 points and stairwells. Any department in receipt of such plans may submit comments to the
235 authority and school district. Upon completion of the approved construction, the authority shall,
236 subject to appropriation, in cooperation with a school district or municipality, submit updated,
237 as-built plans to the local police department, fire department, Massachusetts emergency
238 management agency and any regional law enforcement entity, a copy of which shall be
239 maintained on file by each department or agency in receipt of the plans. Plans submitted pursuant
240 to this section shall be deemed confidential and shall not be considered public records under
241 clause Twenty-sixth of section 7 of chapter 4.

242 SECTION 11. Chapter 71 of the General Laws is hereby amended by inserting after
243 section 37O the following 3 sections:-

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

246 “Chief of police”, the chief of police or the board or officer having control of the police
247 in a city or town.

248 “School resource officer”, a duly sworn municipal police officer with all necessary
249 training, up-to-date certificates or a special officer appointed by the chief of police charged with
250 providing law enforcement and security services to elementary and secondary public schools.
251 For the purpose of this section a school resource officer shall be exempt under subsection (j) of
252 section 10 of chapter 269, while serving in the officer’s official capacity.

253 (b) Every chief of police, in consultation with the superintendent and subject to
254 appropriation, shall assign at least 1 school resource officer to serve the city, town, a
255 commonwealth charter school, regional school district or county agricultural school. In the case
256 of a regional school district, a commonwealth charter school or county agriculture school, the
257 chief of police of the city or town where the school is located, in consultation with the
258 superintendent, shall assign the school resource officer, which may be the same officer for all
259 schools in the city or town.

260 In assigning a school resource officer, the chief of police shall consider candidates that
261 the chief believes would strive to foster an optimal learning environment and educational
262 community; provided, further, that the chief of police may give preference to candidates who
263 have received specialized training in child and adolescent development, de-escalation and
264 conflict resolution techniques with children and adolescents, behavioral health disorders in
265 children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and
266 behavioral threat assessment methods. The appointment shall not be based solely on seniority.
267 The performance of school resource officers shall be reviewed annually by the superintendent
268 and the chief of police. The superintendent and the chief of police shall enter into a written
269 memorandum of understanding to clearly define the role and duties of the school resource officer
270 which shall be placed on file in the office of the school superintendent.

271 (c) Upon written application by a school department of a city or town, in consultation
272 with the chief of police, a regional school district or a county agricultural school, the
273 commissioner of elementary and secondary education may waive the requirements of this section
274 if the commissioner believes a school resource officer would not assist that particular city or
275 town, regional school district or county agricultural school to ensure school safety. The written
276 application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting
277 the waiver request; and (iii) a description of, and supporting data for, alternative procedures and
278 resources relied upon to ensure safe schools.

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

281 (e) Notwithstanding subsection (b), if the chief of police, in consultation with the
282 superintendent, determines that there are not sufficient resources to assign a school resource
283 officer to serve the city, town, regional school district or county agricultural school, the chief of
284 police shall consult with the department of state police to ensure that a school resource officer is
285 assigned, subject to appropriation; provided further, that if a state police officer is assigned to a
286 city, town, regional school district or county agricultural school, assignment shall not be based
287 solely on seniority and a candidate shall be considered who would strive to foster an optimal
288 learning environment and educational community; provided further, that there shall be placed on
289 file in the office of the superintendent and the department of state police a memorandum of
290 understanding clearly defining the roles and duties of the school resource officer.

291 (f) No public employer shall be liable for injury, loss of property, personal injury or death
292 caused by an act or omission of a public employee while acting in the scope of the public
293 employee's employment and arising out of the implementation of this section. This section shall
294 not be construed as creating or imposing a specific duty of care.

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

297 "Approved private day or residential school", a school that accepts, through agreement
298 with a school committee, a child requiring special education pursuant to section 10 of chapter
299 71B.

300 "Charter school", commonwealth charter schools and Horace Mann charter schools
301 established pursuant to section 89.

302 "Collaborative school", a school operated by an educational collaborative established
303 pursuant to section 4E of chapter 40.

304 "Plan", a mental health support plan established pursuant to subsection (b).

305 "School district", the school department of a city or town, a regional school district or a
306 county agricultural school.

307 (b) Each school district, charter school, approved private day or residential school and
308 collaborative school shall develop and adhere to a plan to address the general mental health
309 needs of its students, including the students' families, teachers and school administrators. Each
310 plan shall also address the potential need for emergency and acute treatment for students,
311 including the students' families, teachers and school administrators as a result of a tragedy or
312 crisis within the district or school. Before September 1 of each year, each school district, charter

313 school, approved private day or residential school and collaborative school shall review and
314 update its plan to achieve best practices.

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

317 (d) No public employer shall be liable for injury, loss of property, personal injury or
318 death caused by an act or omission of a public employee while acting in the scope of the public
319 employee's employment and arising out of the implementation of this section. This section shall
320 not be construed as creating or imposing a specific duty of care.

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

323 "School", a school administered by a school department of a city or town or regional
324 school district, a county agricultural school, a commonwealth charter school or Horace Mann
325 charter school established pursuant to section 89 or an educational collaborative established
326 pursuant to section 4E of chapter 40.

327 "Two-way communication device", a device capable of transmitting, conveying, or
328 routing real-time, two-way voice communications through radio frequency.

329 (b) Every school shall, subject to appropriation, possess and have access to a two-way
330 communication device to be used solely for communicating with police and fire departments of
331 the city or town where the school is located during an emergency situation.

332 (c) No public employer shall be liable for injury, loss of property, personal injury or
333 death caused by an act or omission of a public employee while acting in the scope of the public
334 employee's employment and arising out of the implementation of this section. This section shall
335 not be construed as creating or imposing a specific duty of care.

336 SECTION 12. Said chapter 71 is hereby further amended by adding the following
337 section:-

338 Section 95. (a) The department, subject to appropriation, shall adopt rules to require that
339 all public school districts and commonwealth charter schools provide at least 2 hours of suicide
340 awareness and prevention training every 3 years to all licensed school personnel. A new hire
341 shall obtain the training within 6 months of being hired. The training shall be provided within the
342 framework of existing in-service training programs offered by the department or as part of
343 required professional development activities.

344 (b) The department shall, in consultation with the department of public health and suicide
345 prevention experts, develop a list of approved training materials to fulfill the requirements of this
346 section. Approved materials shall include training on how to identify appropriate mental health

347 services both within the school and the larger community, and when and how to refer students
348 and their families to those services.

349 (c) No person shall have a cause of action for loss or damage caused by an act or
350 omission resulting from the implementation of this section or resulting from the training or lack
351 of training required by this section.

352 (d) The training or lack of training required by this section shall not be construed to
353 impose a specific duty of care.

354 SECTION 13. Chapter 111 of the General Laws is hereby amended by adding the
355 following section:-

356 Section 232. The department, in consultation with the executive office of public safety
357 and security shall, subject to appropriation, collect, record and analyze data on all suicides in the
358 commonwealth. Data collected for each incident shall include, to the extent possible and with
359 respect to all applicable privacy protection laws, the following: (i) the means of suicide; (ii) the
360 source of the means of the suicide; (iii) the length of time between purchase of the means and the
361 death of the decedent; (iv) the relationship of the owner of the means to the decedent; (v)
362 whether the means was legally obtained and owned pursuant to the laws of the commonwealth;
363 (vi) a record of past suicide attempts by the decedent; (vii) and a record of past mental health
364 treatment of the decedent.

365 The department shall annually submit a report, which shall include aggregate data
366 collected for the preceding calendar year and the department's analysis, with the clerks of the
367 house of representatives and the senate and the executive office of public safety and security not
368 later than December 31. Names, addresses or other identifying factors shall not be included.

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

372 Data collected and held by the department to complete the report pursuant to this section
373 shall not be subject to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter.

374 SECTION 14. Chapter 112 of the General Laws is hereby amended by inserting after
375 section 5M the following section:-

376 Section 5N. The board of registration in medicine established pursuant to section 5B
377 shall, in collaboration with experts in violence and injury prevention, and in coordination with
378 relevant training accreditation bodies, develop or provide for, and make available for voluntary
379 participation by any physician, a professional development training module on suicide
380 prevention through reduction of access to lethal means. The goal of the training module shall be
381 to encourage physicians to speak with their patients and patients' families about the risk posed

382 by access to lethal means in the home, and to increase a physician's ability and comfort in having
383 such discussions with patients and families in a legally, ethically and medically appropriate
384 manner. The training module shall include information on:

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

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

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

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

395 (v) other appropriate and relevant information, as determined by the board, for the
396 purpose of the training.

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

399 SECTION 15. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby
400 amended by adding the following 4 paragraphs:-

401 The court, in its order, shall specify whether such commitment is based upon a finding
402 that the person is a person with an alcohol use disorder, substance use disorder, or both. The
403 court, upon ordering the commitment of a person found to be a person with an alcohol use
404 disorder or substance use disorder pursuant to this section, shall transmit the person's name and
405 nonclinical identifying information, including the person's social security number and date of
406 birth, to the department of criminal justice information services. The court shall notify the person
407 that such person is prohibited from being issued a firearm identification card pursuant to section
408 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140
409 unless a petition for relief pursuant to this section is subsequently granted.

410 After 5 years from the date of commitment, a person found to be a person with an alcohol
411 use disorder or substance use disorder and committed pursuant to this section may file a petition
412 for relief with the court that ordered the commitment requesting that the court restore the
413 person's ability to possess a firearm, rifle or shotgun. The court may grant the relief sought in
414 accordance with the principles of due process if the circumstances regarding the person's
415 disqualifying condition and the person's record and reputation are determined to be such that: (i)
416 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting

417 of relief would not be contrary to the public interest. In making the determination, the court may
418 consider evidence from a licensed physician or clinical psychologist that the person is no longer
419 suffering from the disease or condition that caused the disability or that the disease or condition
420 has been successfully treated for a period of 3 consecutive years.

421 If the court grants a petition for relief pursuant to this section, the clerk shall provide
422 notice immediately by forwarding a certified copy of the order for relief to the department of
423 criminal justice information services, who shall transmit the order, pursuant to paragraph (h) of
424 section 167A of chapter 6, to the attorney general of the United States to be included in the
425 National Instant Criminal Background Check System.

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

428 SECTION 16. Section 36A of said chapter 123, as so appearing, is hereby amended by
429 adding the following paragraph:-

430 Notwithstanding this section, a court may, pursuant to section 35 and section 36C,
431 transmit information contained in court records to the department of criminal justice information
432 services to provide: (i) licensing authorities as defined under section 121 of chapter 140 with
433 information required or permitted to be considered under state or federal law to conduct
434 background checks for firearm sales or licensing; and (ii) the attorney general of the United
435 States with information required or permitted under federal law to be included in the National
436 Instant Criminal Background Check System maintained to conduct background checks for
437 firearms sales or licensing; provided, however, that the court shall not transmit information
438 solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment
439 or evaluation. Information transmitted to the department of criminal justice information services
440 pursuant to this section and sections 35 and 36C shall not be considered public records pursuant
441 to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4.

442 SECTION 17. Said chapter 123 is hereby further amended by adding the following
443 section:-

444 Section 36C. (a) A court that orders the commitment of a person pursuant to sections 7, 8
445 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of
446 section 16, shall transmit the person's name and nonclinical, identifying information, including
447 the person's social security number and date of birth to the department of criminal justice
448 information services. The court shall notify the person that such person is prohibited from being
449 issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry
450 pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief is subsequently
451 granted pursuant to subsection (b).

452 (b) After 5 years from the date of commitment, a person committed pursuant to sections
453 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c)
454 of section 16 may file a petition for relief with the court that ordered the commitment requesting
455 the court to restore the person's ability to possess a firearm. The court may grant the relief sought
456 in accordance with the principles of due process if the circumstances regarding the person's
457 disqualifying condition and the person's record and reputation are determined to be such that: (i)
458 the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting
459 of relief would not be contrary to the public interest. In making the determination, the court may
460 consider evidence from a licensed physician or clinical psychologist that the person is no longer
461 suffering from the disease or condition that caused the disability or that the disease or condition
462 has been successfully treated for a period of 3 consecutive years.

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

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

468 SECTION 18. The first paragraph of section 14 of chapter 131 of the General Laws, as
469 appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence
470 the following sentence:-

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

474 SECTION 19. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby
475 amended by striking out, in line 1, the figure "131P" and inserting in place thereof the following
476 figure:- 131Q.

477 SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further
478 amended by striking out, in lines 6 to 8, inclusive, the words "chemical mace or any device or
479 instrument which contains or emits a liquid, gas, powder or any other substance designed to
480 incapacitate".

481 SECTION 21. Section 121 of chapter 140, as appearing in the 2012 Official Edition, is
482 hereby amended by inserting after the definition of "Conviction" the following definition:-

483 "Deceptive weapon device", any device that is intended to convey the presence of a rifle,
484 shotgun, or firearm, that is used in the commission of a violent crime, as defined in this section,
485 and which presents an objective threat of immediate death or serious bodily harm to a person of
486 reasonable and average sensibility.

487 SECTION 22. S § 20 Said chapter 140 of the General Laws is hereby further amended
488 by inserting after section 122B the following 2 sections:-

489 Section 122C. (a) As used in this section and section 122D, “self-defense spray” shall
490 mean chemical mace, pepper spray or any device or instrument which contains, propels or emits
491 a liquid, gas, powder or other substance designed to incapacitate.

492 (b) Whoever, not being licensed as provided in section 122B, sells self-defense spray
493 shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction
494 for not more than 2 years.

495 (c) Whoever sells self-defense spray to a person younger than 18 years of age, if the
496 person younger than 18 years of age does not have a firearms identification card, shall be
497 punished by a fine of not more than \$300.

498 (d) A person under 18 years of age who possesses self-defense spray and who does not
499 have a firearms identification card shall be punished by a fine of not more than \$300.

500 Section 122D. No person shall purchase or possess self-defense spray who:

501 (i) in a court of the commonwealth, has been convicted or adjudicated a youthful offender
502 or delinquent child as defined in section 52 of chapter 119 for the commission of: (A) a felony;
503 (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as
504 defined in section 121; (D) a violation of a law regulating the use, possession, ownership,
505 transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for
506 which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use,
507 possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but
508 not limited to, a violation under said chapter 94C; provided, however, that except for the
509 commission of a violent crime or a crime involving the trafficking of controlled substances, if the
510 person has been so convicted or adjudicated or released from confinement, probation or parole
511 supervision for such conviction or adjudication, whichever occurs last, for 5 or more years
512 immediately preceding the purchase or possession, that person may purchase or possess self-
513 defense spray;

514 (ii) in another state or federal jurisdiction, has been convicted or adjudicated a youthful
515 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable
516 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
517 violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease,
518 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
519 may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled
520 substance as defined in section 1 of chapter 94C; provided, however, that, except for the
521 commission of a violent crime or a crime involving the trafficking of weapons or controlled
522 substances, if the person has been so convicted or adjudicated or released from confinement,

523 probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5
524 or more years immediately preceding the purchase or possession and that applicant's right or
525 ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject
526 conviction or adjudication was entered, then that person may purchase or possess self-defense
527 spray;

528 (iii) has been committed to any hospital or institution for mental illness unless the person
529 obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical
530 psychologist attesting that such physician or psychologist is familiar with the applicant's mental
531 illness and that in the physician's or psychologist's opinion the applicant is not disabled by such
532 an illness in a manner that shall prevent the applicant from possessing self-defense spray;

533 (iv) is or has been in recovery from or committed based upon a finding that the person is
534 a person with an alcohol use disorder or a substance use disorder or both unless a licensed
535 physician or clinical psychologist deems such person to be in recovery from such condition, in
536 which case, such person may purchase or possess self-defense spray after 5 years from the date
537 of such confinement or recovery; provided, however, that prior to such purchase or possession of
538 self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or
539 clinical psychologist attesting that such physician or psychologist knows the person's history of
540 treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

541 (v) at the time of the application, is younger than 15 years of age;

542 (vi) at the time of the application, is at least 15 years of age but less than 18 years of age
543 unless the applicant submits with the application a certificate from the applicant's parent or
544 guardian granting the applicant permission to apply for a card;

545 (vii) is an alien who does not maintain lawful permanent residency or is an alien not
546 residing under a visa pursuant to 8 U.S.C. § 1101(a)(15)(U), or is an alien not residing under a
547 visa pursuant to 8 U.S.C. § 1154(a)(1)(B)(ii)(I) or is an alien not residing under a visa pursuant
548 to 8 U.S.C. § 1101(a)(15)(T)(i)(I)-(IV);

549 (viii) is currently subject to: (1) an order for suspension or surrender issued pursuant to
550 section 3B or 3C of chapter 209A or section 7 of chapter 258E; or (2) a permanent or temporary
551 protection order issued pursuant to chapter 209A or section 7 of chapter 258E; or

552 (ix) is currently the subject of an outstanding arrest warrant in any state or federal
553 jurisdiction.

554 Whoever purchases or possesses self-defense spray in violation of this section shall be
555 punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not
556 more than 2 years or both such fine and imprisonment.

557 SECTION 23. Section 123 of said chapter 140, as appearing in the 2012 Official Edition,
558 is hereby amended by striking out, in lines 37 and 59, the words “Class A”, each time they
559 appear.

560 SECTION 24. Said section 123 of said chapter 140, as so appearing, is hereby further
561 amended by striking out, in lines 40 and 63, the words “Class A or Class B”, each time they
562 appear.

563 SECTION 25. Said section 123 of said chapter 140, as so appearing, is hereby further
564 amended by inserting after the word “height”, in line 127, the following words:- , and further that
565 the licensee shall conspicuously post and distribute at each purchase counter a notice providing
566 information on suicide prevention developed and provided by the division on violence and injury
567 prevention within the department of public health. The department of public health shall develop
568 and make available on its website for download a sign providing the information on suicide
569 prevention.

570 SECTION 26. Said section 123 of said chapter 140, as so appearing, is hereby further
571 amended by striking out the second paragraph and inserting in place thereof the following
572 paragraph:-

573 Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i)
574 a firearm lawfully owned or possessed under a license issued under this chapter on or before
575 October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of
576 the gun control advisory board, established pursuant to section 131½ of chapter 140, as a
577 firearm solely designed and sold for formal target shooting competition; or (iii) a firearm
578 designated by the secretary of public safety, with the advice of the gun control advisory board,
579 established pursuant to section 131 ½ of chapter 140, as a firearm or pistol solely designed and
580 sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-
581 annual basis, of firearms designated as “formal target shooting firearms” and “Olympic
582 competition firearms” in accordance with this paragraph. Such lists shall be made available for
583 distribution by the executive office of public safety and security.

584 SECTION 27. Section 128 of said chapter 140, as so appearing, is hereby amended by
585 inserting after the word “sixteenth”, in line 4, the following word :- , seventeenth.

586 SECTION 28. Section 128A of said chapter 140, as so appearing, is hereby amended by
587 striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident
588 reports within seven days, in writing to the commissioner of the department of criminal justice
589 information services on forms furnished by said executive director, the names and addresses of
590 the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun,
591 together with a complete description of the firearm, rifle or shotgun, including its designation as
592 a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser's
593 license to carry firearms number, permit to purchase number and identifying number of such

594 documentation as is used to establish exempt person status in the case of a firearm or the
595 purchaser's license to carry number or firearm identification card number or said document
596 identity number, in the case of a rifle or shotgun”.

597 SECTION 29. Said section 128A of said chapter 140, as so appearing, is hereby further
598 amended by adding the following 4 sentences:-

599 Any sale or transfer conducted pursuant to this section shall comply with section 131E
600 and shall, prior to or at the point of sale, be conducted over a real time web portal developed by
601 the department of criminal justice information services. The department of criminal justice
602 information services shall require each person selling or transferring a firearm, shotgun or rifle
603 pursuant to this section to electronically provide, through the portal, such information as is
604 determined to be necessary to verify the identification of the seller and purchaser and ensure that
605 the sale or transfer complies with this section. Upon submission of the required information, the
606 portal shall automatically review such information and display a message indicating whether the
607 seller may proceed with the sale or transfer and shall provide any further instructions for the
608 seller as determined to be necessary by the department of criminal justice information services.
609 The department of criminal justice information services shall keep a record of any sale or
610 transfer conducted pursuant to this section and shall provide the seller and purchaser with
611 verification of such sale or transfer.

612 SECTION 30. Section 129B of said chapter 140, as so appearing, is hereby amended by
613 striking out paragraph (1) and inserting in place thereof the following 2 paragraphs:-

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

619 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful
620 offender or delinquent child, or both as defined in section 52 of chapter 119, for the commission
621 of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a
622 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,
623 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
624 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law
625 regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter
626 94C, including, but not limited to, a violation under said chapter 94C; or (F) a misdemeanor
627 crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, except
628 for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a
629 crime involving the trafficking of controlled substances, if the applicant has been so convicted or
630 adjudicated or released from confinement, probation or parole supervision for such conviction or

631 adjudication, whichever occurs last, for 5 or more years immediately preceding such application,
632 then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be
633 deemed restored in the commonwealth with respect to such conviction or adjudication and that
634 conviction or adjudication shall not disqualify the applicant for a firearm identification card;

635 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
636 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable
637 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
638 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
639 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
640 may be imposed; (E) a violation of any law regulating the use, possession or sale of controlled
641 substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under
642 said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C.
643 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime
644 of domestic violence, a violent crime or a crime involving the trafficking of weapons or
645 controlled substances, if the applicant has been so convicted or adjudicated or released from
646 confinement, probation or parole supervision for such conviction or adjudication, whichever
647 occurs last, for 5 or more years immediately preceding such application and the applicant's right
648 or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the
649 conviction or adjudication was entered, then the conviction or adjudication shall not disqualify
650 such applicant for a firearm identification card;

651 (iii) is or has been: (A) except in the case of a commitment pursuant to sections 35 or 36C
652 of chapter 123, committed to any hospital or institution for mental illness, alcohol or substance
653 abuse, unless after 5 years from the date of the confinement, the applicant submits with the
654 application an affidavit of a licensed physician or clinical psychologist attesting that such
655 physician or psychologist is familiar with the applicant's mental illness, alcohol or substance
656 abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a
657 mental illness, alcohol or substance abuse in a manner that should prevent the applicant from
658 possessing a firearm, rifle or shotgun; (B) committed by an order of a court to any hospital or
659 institution for mental illness, unless the applicant was granted a petition for relief of the court's
660 order pursuant to section 36C of chapter 123 and submits a copy of the order for relief with the
661 application; (C) subject to an order of the probate court appointing a guardian or conservator for
662 a incapacitated person on the grounds that that applicant lacks the mental capacity to contract or
663 manage affairs, unless the applicant was granted a petition for relief pursuant to section 56C of
664 chapter 215 and submits a copy of the order for relief with the application; or (D) found to be a
665 person with an alcohol use disorder or substance use disorder or both and committed pursuant to
666 section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's
667 order pursuant to said section 35 of said chapter 123 and submits a copy of the order for relief
668 with the application;

669 (iv) is at the time of the application younger than 14 years of age; provided however that
670 the applicant shall not be issued the card until the applicant reaches the age of 15.

671 (v) is at the time of the application more than 14 but less than 18 years of age, unless the
672 applicant submits with the application a certificate of a parent or guardian granting the applicant
673 permission to apply for a card;

674 (vi) is an alien who does not maintain lawful permanent residency;

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

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

681 (ix) has been discharged from the armed forces of the United States under dishonorable
682 conditions;

683 (x) is a fugitive from justice; or

684 (xi) having been a citizen of the United States, has renounced that citizenship.

685 (1½) (i) Notwithstanding paragraph (1) to the contrary, the licensing authority may file a
686 petition to request that an applicant be denied the issuance or renewal of a firearm identification
687 card, or to suspend or revoke such a card in the district court of jurisdiction. If the licensing
688 authority files any such petition it shall be accompanied by written notice to the applicant
689 describing the specific evidence in the petition. Such petition shall be founded upon a written
690 statement of the reasons for supporting a finding of unsuitability pursuant to clause (iv).

691 (ii) Upon the filing of a petition to deny the issuance or renewal of such a card, the court
692 shall within 90 days hold a hearing to determine if the applicant is unsuitable under clause (iv) of
693 this paragraph. Such a petition shall serve to stay the issuance or renewal of such card pending a
694 judicial determination thereon.

695 (iii) Upon the filing of a petition to suspend or revoke such a card, the court shall within
696 15 days determine whether there is sufficient evidence to support a finding that the applicant is
697 unsuitable. Such petition shall serve to effect such suspension or revocation pending a judicial
698 determination on the sufficiency of evidence. If a court determines that insufficient evidence
699 exists to support a finding of unsuitability, the licensing authority shall not file a petition under
700 this clause for the same applicant within 75 days of the licensing authority's previous petition for
701 that applicant. If a court determines that sufficient evidence exists to support a finding of
702 unsuitability, the court shall within 75 days hold a hearing to determine if the applicant is

703 unsuitable under clause (iv) of this paragraph; provided, further, that such initial suspension or
704 revocation shall remain in effect pending a judicial determination thereon.

705 (iv) A determination of unsuitability shall be based on a preponderance of evidence that
706 there exists: (A) reliable, articulable, and credible information that the applicant has exhibited or
707 engaged in behavior to suggest the applicant could potentially create a risk to public safety; or
708 (B) existing factors that suggest that the applicant could potentially create a risk to public safety.
709 If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in a
710 writing setting forth the specific reasons for such determination. If a court has not entered a
711 judgment that an applicant is unsuitable under this clause within 90 days for petitions under
712 clause (ii) or within 75 days under clause (iii), the court shall enter a judgment that the applicant
713 is suitable for the purposes of this paragraph.

714 SECTION 31. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is
715 hereby amended by adding the following 2 sentences:- The licensing authority shall provide to
716 the applicant a receipt indicating that it received the applicant's application. The receipt shall be
717 provided to the applicant within 7 days by mail if the application was received by mail or
718 immediately if the application was made in person; provided, however, that the receipt shall
719 include the applicants' name, address, current firearm identification card number, if any, the
720 current card's expiration date, if any, the date when the application was received by the licensing
721 authority, the name of the licensing authority and its agent that received the application, the
722 licensing authority's address and telephone number, the type of application, and whether it is an
723 application for a new card or for renewal of an existing card; and provided further, that a copy of
724 the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be
725 furnished to the applicant if requested by the applicant.

726 SECTION 32. Said section 129B of said chapter 140, as so appearing, is hereby further
727 amended by inserting after the word "card", in line 141, the following words:- issued pursuant to
728 subclause (vi) of clause (1) of section 122D.

729 SECTION 33. Said section 129B of said chapter 140, as so appearing is hereby amended
730 by striking out paragraph (6) and inserting in place thereof the following paragraph:-

731 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large
732 capacity firearm or large capacity feeding device therefor, except under a license issued to a
733 shooting club as provided under section 131 or under the direct supervision of a holder of a
734 license issued to an individual under said section 131 at an incorporated shooting club or
735 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or
736 large capacity feeding device therefor, except under a license issued to a shooting club as
737 provided under said section 131 or under the direct supervision of a holder of a license issued to
738 an individual under said section 131 at an incorporated shooting club or licensed shooting range.
739 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that

740 is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued
741 pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess
742 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
743 temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall
744 not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or
745 transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined
746 in section 121.

747 SECTION 34. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is
748 hereby amended by striking out the first sentence and inserting in place thereof the following
749 sentence:- A firearm identification card shall be in a standard form provided by the
750 commissioner of the department of criminal justice information services in a size and shape
751 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles
752 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,
753 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and
754 signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide
755 in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline
756 and the Samaritans Statewide Helpline.

757 SECTION 35. Said section 129B of said chapter 140, as so appearing, is hereby further
758 amended by inserting after the word "issued", in lines 155 and 206, each time it appears, the
759 following words:- pursuant to subclause (vi) of clause (1) of section 122D.

760 SECTION 36. Said section 129B of said chapter 140, as so appearing, is hereby further
761 amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

762 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period
763 of not more than 6 years from the date of issuance, except that if the cardholder applied for
764 renewal before the card expired, the card shall remain valid after the expiration date on the card
765 for all lawful purposes, until the application for renewal is approved or denied; provided,
766 however, if the cardholder is on active duty with the armed forces of the United States on the
767 expiration date of the card, the card shall remain valid until the cardholder is released from active
768 duty and for a period of not less than 180 days following such release, except that if the
769 cardholder applied for renewal prior to the end of such period, the card shall remain valid after
770 the expiration date on the card for all lawful purposes, until the application for renewal is
771 approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of
772 criminal justice information services shall send electronically or by first class mail to the holder
773 of a firearm identification card, a notice of the expiration of the card not less than 90 days before
774 its expiration and shall enclose with the notice a form for the renewal of the card. The form for
775 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not
776 lost a firearm or had a firearm stolen from the applicant's possession since the date of the
777 applicant's last renewal or issuance. The commissioner of criminal justice information services

778 shall include in the notice all pertinent information about the penalties that may be imposed if the
779 firearm identification card is not renewed. The commissioner of criminal justice information
780 services shall provide electronic notice of expiration only upon the request of a cardholder. A
781 request for electronic notice of expiration shall be forwarded to the department on a form
782 furnished by the commissioner. Any electronic address maintained by the department to provide
783 electronic notice of expiration shall be considered a firearms record and shall not be disclosed
784 except as provided in section 10 of chapter 66.

785 SECTION 37. Said section 129B of said chapter 140, as so appearing, is hereby further
786 amended by striking out, in lines, 195, 218, 219 and 224, the word "clause" and inserting in
787 place thereof, in each instance, the following word:- paragraph.

788 SECTION 38. Said section 129B of said chapter 140, as so appearing, is hereby further
789 amended by striking out, in lines 245 and 246, the words "meaning after 90 days beyond the
790 stated expiration date on the card" and inserting in place thereof the following words:- not
791 including licenses that remain valid under paragraph (9) because the licensee applied for renewal
792 before the license expired.

793 SECTION 39. Said section 129B of said chapter 140, as so appearing, is hereby further
794 amended by striking out, in line 248, the figure "\$500" and inserting in place thereof the
795 following figure:- \$100.

796 SECTION 40. The third paragraph of section 129C of said chapter 140, as so appearing,
797 is hereby amended by striking out the last sentence and inserting in place thereof the following 2
798 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun
799 or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to
800 the commissioner of the department of criminal justice information services and the licensing
801 authority in the city or town where the owner resides shall be punished by a fine of not less than
802 \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than
803 \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or
804 imprisonment for not less than 1 year nor more than 5 years, or by both such fine and
805 imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for
806 suspension or permanent revocation of a person's firearm identification card or license to carry
807 firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary,
808 no person, who in good faith, reports a loss or theft under this paragraph for the first time shall
809 be subject to suspension, revocation or be considered unsuitable under section 131 for the
810 renewal of a lawfully held firearm identification card or license to carry firearms; provided,
811 however, that persons reporting loss or theft under this paragraph or under section 129B on a
812 second or subsequent occasion may be subject to suspension, revocation or be considered
813 unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or
814 license to carry firearms.

815 SECTION 41. Said section 129C of said chapter 140, as so appearing, is hereby further
816 amended by striking out the seventh paragraph and inserting in place thereof the following
817 paragraph:-

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

821 SECTION 42. Section 129D of said chapter 140, as so appearing, is hereby amended by
822 striking out the first paragraph and inserting in place thereof the following paragraph:-

823 Upon revocation, suspension or denial of an application for a firearm identification card
824 pursuant to section 129B or for any firearms license if the firearm identification card is not then
825 in force or for any machine gun license, the person whose application was so revoked, suspended
826 or denied shall without delay deliver or surrender to the licensing authority where the person
827 resides all firearms, rifles, shotguns and machine guns and ammunition which the person then
828 possesses unless an appeal of the revocation or suspension is pending. The person or the
829 person's legal representative shall have the right, at any time up to 1 year after the delivery or
830 surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any
831 licensed dealer or any other person legally permitted to purchase or take possession of the
832 firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by
833 the purchaser or transferee and the former owner, the licensing authority shall within 10 days
834 deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or
835 purchaser and the licensing authority shall observe due care in the receipt and holding of any
836 such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the
837 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in
838 violation of section 129C transfer the firearms, rifles, shotguns or machine guns or ammunition
839 to the former owner. The licensing authority shall at the time of delivery or surrender inform the
840 person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer
841 the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or other
842 person legally permitted to purchase or take possession.

843 SECTION 43. The third paragraph of said section 129D of said chapter 140, as so
844 appearing, is hereby amended by adding the following words:- ; provided, however, that no
845 firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out
846 a criminal act pursuant to section 131Q shall be sold at public auction pursuant to this section.

847 SECTION 44. Said section 129D of said chapter 140, as so appearing, is hereby further
848 amended by inserting after the third paragraph the following paragraph:-

849 If the licensing authority cannot reasonably ascertain a lawful owner within 180 days of
850 acquisition by the authority, the authority may, in its discretion, trade or dispose of surplus,
851 donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly

852 licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or
853 credited to the municipality in which the authority presides to purchase weapons, equipment or
854 supplies or for violence reduction or suicide prevention; provided, however, that no firearm,
855 rifle, shotgun or machine gun or ammunition classified as having been used to carry out a
856 criminal act pursuant to section 131Q shall be considered surplus, donated, abandoned or junk
857 for the purposes of this section.

858 SECTION 45. Said chapter 140 is hereby further amended by striking out section 130, as
859 so appearing, and inserting in place thereof the following 2 sections:-

860 Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18
861 years of age or older who does not hold a permit card issued to that alien pursuant to section
862 131H or, except as provided in this section or section 131E, whoever sells or furnishes any alien
863 or any person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever
864 sells or furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun
865 or ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or
866 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date
867 of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000,
868 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of
869 correction for not more than 2½ years or by both such fine and imprisonment.

870 Section 130½. Notwithstanding section 130 or any general or special law to the contrary,
871 it shall be lawful to furnish a weapon to a minor for hunting, recreation, instruction and
872 participation in shooting sports while under the supervision of a holder of a valid firearm
873 identification card or license to carry appropriate for the weapon in use; provided, however, that
874 the parent or guardian of the minor granted consent for such activities.

875 SECTION 46. Section 131 of said chapter 140, as appearing in the 2012 Official Edition,
876 is hereby amended by striking out, in lines 1 and 2, the words “All licenses to carry firearms
877 shall be designated Class A or Class B, and the issuance and possession of any such license” and
878 inserting in place thereof the following words:- The issuance and possession of a license to carry
879 firearms.

880 SECTION 47. Said section 131 of said chapter 140, as so appearing, is hereby further
881 amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the
882 following 3 paragraphs:-

883 (a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow,
884 possess and carry: (i) firearms, including large capacity firearms, and feeding devices and
885 ammunition therefor, for all lawful purposes, subject to such restrictions relative to the
886 possession, use or carrying of firearms as the licensing authority considers proper; and (ii) rifles
887 and shotguns, including large capacity weapons, and feeding devices and ammunition therefor,
888 for all lawful purposes; provided, however, that the licensing authority may impose such

889 restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it
890 considers proper. A violation of a restriction imposed by the licensing authority under this
891 paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be
892 punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that
893 section 10 of chapter 269 shall not apply to a violation of this paragraph.

894 (b) The colonel of state police may, after an investigation, grant a license to a club or
895 facility with an on-site shooting range or gallery, which club is incorporated under the laws of
896 the commonwealth for the possession, storage and use of large capacity weapons, ammunition
897 therefor and large capacity feeding devices for use with such weapons on the premises of the
898 club; provided, however, that not less than 1 shareholder of the club shall be qualified and
899 suitable to be issued a license; and provided further, that such large capacity weapons and
900 ammunition feeding devices may be used under the club license only by a member that possesses
901 a valid firearm identification card issued pursuant to section 129B or a valid license to carry
902 firearms, or by such other person that the club permits while under the direct supervision of a
903 certified firearms safety instructor or club member who, in the case of a large capacity firearm,
904 possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun,
905 possesses a valid license to carry firearms. The club shall not permit shooting at targets that
906 depict human figures, human effigies, human silhouettes or any human images thereof, except by
907 public safety personnel performing in line with their official duties.

908 No large capacity weapon or large capacity feeding device shall be removed from the
909 premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport
910 the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on
911 the premises of another club incorporated under the laws of the commonwealth and to transport
912 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted
913 under the supervision of or approved by a public law enforcement agency or a nationally or state
914 recognized entity that promotes proficiency in or education about semiautomatic weapons and to
915 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or
916 feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding
917 device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be
918 secured in a locked container and shall be unloaded during any lawful transport. The clerk or
919 other corporate officer of the club shall annually file a report with the colonel of state police and
920 the commissioner of criminal justice information services listing all large capacity weapons and
921 large capacity feeding devices owned or possessed under the license. The colonel or a designee
922 may inspect all firearms owned or possessed by the club upon request during regular business
923 hours and the colonel may revoke or suspend a club license for a violation of this chapter or
924 chapter 269 relative to the ownership, use or possession of large capacity weapons or large
925 capacity feeding devices.

926 (c) A license to carry firearms shall be valid to own, possess, purchase and transfer non-
927 large capacity rifles and shotguns, consistent with the entitlements conferred by a firearm
928 identification card issued under section 129B.

929 SECTION 48. Said section 131 of said chapter 140, as so appearing, is hereby further
930 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

931 (d) Any person residing or having a place of business within the jurisdiction of the
932 licensing authority or any law enforcement officer employed by the licensing authority or any
933 person residing in an area of exclusive federal jurisdiction located within a city or town may
934 submit to the licensing authority or the colonel of state police, an application for a Class A
935 license to carry firearms, or renewal of the same, which the licensing authority or the colonel
936 may issue if it appears that the applicant is not a prohibited person, as set forth in this section, to
937 be issued a license and has good reason to fear injury to the applicant or the applicant's property
938 or for any other reason, including the carrying of firearms for use in sport or target practice only,
939 subject to the restrictions expressed or authorized under this section.

940 A prohibited person shall be a person who:

941 (i) has, in a court of the commonwealth, been convicted or adjudicated a youthful
942 offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of
943 (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a
944 violent crime as defined in section 121; (D) a violation of any law regulating the use, possession,
945 ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or
946 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law
947 regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter
948 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of
949 domestic violence as defined in 18 U.S.C. 921(a)(33);

950 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
951 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable
952 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
953 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
954 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
955 may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled
956 substance as defined in said section 1 of said chapter 94C including, but not limited to, a
957 violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18
958 U.S.C. 921(a)(33);

959 (iii) is or has been (A) committed to a hospital or institution for mental illness, alcohol or
960 substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless
961 after 5 years from the date of the confinement, the applicant submits with the application an
962 affidavit of a licensed physician or clinical psychologist attesting that such physician or

963 psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in
964 the physician's or psychologist's opinion, the applicant is not disabled by a mental illness,
965 alcohol or substance abuse in a manner that shall prevent the applicant from possessing a
966 firearm, rifle or shotgun; (B) committed by a court order to a hospital or institution for mental
967 illness, unless the applicant was granted a petition for relief of the court order pursuant to said
968 section 36C of said chapter 123 and submits a copy of the court order with the application; (C)
969 subject to an order of the probate court appointing a guardian or conservator for a incapacitated
970 person on the grounds that the applicant lacks the mental capacity to contract or manage the
971 applicant's affairs, unless the applicant was granted a petition for relief of the order of the
972 probate court pursuant to section 56C of chapter 215 and submits a copy of the order of the
973 probate court with the application; or (D) found to be a person with an alcohol use disorder or
974 substance use disorder or both and committed pursuant to said section 35 of said chapter 123,
975 unless the applicant was granted a petition for relief of the court order pursuant to said section 35
976 and submits a copy of the court order with the application;

977 (iv) is younger than 21 years of age at the time of the application;

978 (v) is an alien who does not maintain lawful permanent residency;

979 (vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to
980 sections 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a
981 permanent or temporary protection order issued pursuant to said chapter 209A or a similar order
982 issued by another jurisdiction, including any order described in 18 U.S.C. 922(g)(8);

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

985 (viii) has been discharged from the armed forces of the United States under dishonorable
986 conditions;

987 (ix) is a fugitive from justice; or

988 (x) having been a citizen of the United States, has renounced that citizenship.

989 The licensing authority may deny the application or renewal of a license to carry, or
990 suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the
991 licensing authority determines that the applicant or licensee is unsuitable to be issued or to
992 continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable
993 and credible information that the applicant or licensee has exhibited or engaged in behavior that
994 suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or
995 (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a
996 risk to public safety. Upon denial of an application or renewal of a license based on a
997 determination of unsuitability, the licensing authority shall notify the applicant in writing setting

998 forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking
999 or suspending a license based on a determination of unsuitability, the licensing authority shall
1000 notify the holder of a license in writing setting forth the specific reasons for the determination in
1001 accordance with paragraph (f). The determination of unsuitability shall be subject to judicial
1002 review under said paragraph (f).

1003 SECTION 49. Paragraph (d) of said section 131 of said chapter 140, as appearing in
1004 section 45, is hereby further amended by striking out the first sentence and inserting in place
1005 thereof the following sentence:- A person residing or having a place of business within the
1006 jurisdiction of the licensing authority or any law enforcement officer employed by the licensing
1007 authority or any person residing in an area of exclusive federal jurisdiction located within a city
1008 or town may submit to the licensing authority or the colonel of state police an application for a
1009 license to carry firearms, or renewal of the same, which the licensing authority or the colonel
1010 may issue if it appears that the applicant is not a prohibited person as set forth in this section to
1011 be issued a license and that the applicant has good reason to fear injury to the applicant or the
1012 applicant's property or for any other reason, including the carrying of firearms for use in sport or
1013 target practice only, subject to the restrictions expressed or authorized under this section.

1014 SECTION 50. Paragraph (e) of said section 131 of said chapter 140, as appearing in the
1015 2012 Official Edition, is hereby amended by adding the following paragraph:- The licensing
1016 authority shall provide to the applicant a receipt indicating that it received the application. The
1017 receipt shall be provided to the applicant within 7 days by mail if the application was received by
1018 mail or immediately if the application was made in person; provided, however, that the receipt
1019 shall include the applicant's name and address; current license number and license expiration
1020 date, if any; the date the licensing authority received the application; the name, address and
1021 telephone number of the licensing authority; the agent of the licensing authority that received the
1022 application; the type of application; and whether the application is for a new license or a renewal
1023 of an existing license. The licensing authority shall keep a copy of the receipt for not less than 1
1024 year and shall furnish a copy to the applicant if requested by the applicant.

1025 SECTION 51. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is
1026 hereby amended by striking out the second paragraph and inserting in place thereof the following
1027 paragraph:- Any applicant or holder aggrieved by a denial, revocation, suspension or restriction
1028 placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,
1029 within either 90 days after receiving notice of the denial, revocation or suspension or within 90
1030 days after the expiration of the time limit during which the licensing authority shall respond to
1031 the applicant or, in the case of a restriction, any time after a restriction is placed on the license
1032 pursuant to this section, file a petition to obtain judicial review in the district court having
1033 jurisdiction in the city or town in which the applicant filed the application or in which the license
1034 was issued. If after a hearing a justice of the court finds that there was no reasonable ground for
1035 denying, suspending, revoking or restricting the license and that the petitioner is not prohibited
1036 by law from possessing a license, the justice may order a license to be issued or reinstated to the

1037 petitioner or may order the licensing authority to remove certain restrictions placed on the
1038 license.

1039 SECTION 52. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is
1040 hereby amended by striking out the first and second sentences and inserting in place thereof the
1041 following 3 sentences:- A license shall be in a standard form provided by the commissioner of
1042 criminal justice information services in a size and shape equivalent to that of a license to operate
1043 motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and
1044 shall contain a license number which shall clearly indicate the name, address, photograph,
1045 fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the
1046 licensee. The license shall be clearly marked "License to Carry Firearms". The license shall
1047 provide in a legible font size and style the phone numbers for the National Suicide Prevention
1048 Lifeline and the Samaritans Statewide Helpline.

1049 SECTION 53. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is
1050 hereby amended by striking out the first sentence and inserting in place thereof the following 3
1051 sentences:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for
1052 a period of not more than 6 years from the date of issue and shall expire on the anniversary of the
1053 licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of
1054 issue; provided, however, that, if the licensee applied for renewal before the license expired, the
1055 license shall remain valid after its expiration date for all lawful purposes until the application for
1056 renewal is approved or denied. If a licensee is on active duty with the armed forces of the United
1057 States on the expiration date of the license, the license shall remain valid until the licensee is
1058 released from active duty and for a period not less than 180 days following the release; provided,
1059 however, that, if the licensee applied for renewal prior to the end of that period, the license shall
1060 remain valid after its expiration date for all lawful purposes until the application for renewal is
1061 approved or denied. An application for renewal of a Class B license filed before the license has
1062 expired shall not extend the license beyond the stated expiration date; provided, that the Class B
1063 license shall expire on the anniversary of the licensee's date of birth occurring not less than 5
1064 years nor more than 6 years from the date of issue.

1065 SECTION 54. Said paragraph (i) of said section 131 of said chapter 140 is hereby further
1066 amended by striking out the first 3 sentences, as appearing in section 50, and inserting in place
1067 thereof the following 2 sentences:- A license to carry or possess firearms shall be valid, unless
1068 revoked or suspended, for a period of not more than 6 years from the date of issue and shall
1069 expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more
1070 than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal
1071 before the license expired, the license shall remain valid after its expiration date for all lawful
1072 purposes until the application for renewal is approved or denied. If a licensee is on active duty
1073 with the armed forces of the United States on the expiration date of the license, the license shall
1074 remain valid until the licensee is released from active duty and for a period not less than 180
1075 days following the release; provided, however, that, if the licensee applied for renewal prior to

1076 the end of that period, the license shall remain valid after its expiration date for all lawful
1077 purposes until the application for renewal is approved or denied.

1078 SECTION 55. Said section 131 of said chapter 140, as appearing in the 2012 Official
1079 Edition, is hereby further amended by inserting after the word "For", in line 254, the following
1080 words:- active and retired.

1081 SECTION 56. Paragraph (l) of said section 131 of said chapter 140, as so appearing, is
1082 hereby amended by inserting after the first sentence the following sentence:- The form for
1083 renewal shall include an affidavit in which the applicant shall verify that the applicant has not
1084 lost any firearms or had any firearms stolen from the applicant's since the date of the applicant's
1085 last renewal or issuance.

1086 SECTION 57. Said section 131 of said chapter 140, as so appearing, is hereby further
1087 amended by striking out, in lines 317 to 320, inclusive, the words "meaning after 90 days beyond
1088 the stated expiration date on the license, but who shall not be disqualified from renewal upon
1089 application therefor under this section, shall be subject to a civil fine of not less than \$500" and
1090 inserting in place thereof the following words:- not including licenses that remain valid under
1091 paragraph (i) because the licensee applied for renewal before the license expired, but who shall
1092 not be disqualified from renewal upon application therefor pursuant to this section, shall be
1093 subject to a civil fine of not less than \$100.

1094 SECTION 58. Said chapter 140 is hereby further amended by striking out section 131C
1095 and inserting in place thereof the following section:-Section 131C.

1096 (a) No person carrying a loaded firearm under a license issued pursuant to section 131 or
1097 131F shall carry the loaded firearm in a vehicle unless the loaded firearm while carried in the
1098 vehicle is under the direct control of the person. Whoever violates this subsection shall be
1099 punished by a fine of \$500.

1100 (b) No person possessing a large capacity rifle or shotgun under a license issued pursuant
1101 to section 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the
1102 large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or
1103 in a locked case or other secure container. Whoever violates this subsection shall be punished by
1104 a fine of not less than \$500 nor more than \$5,000.

1105 (c) This section shall not apply to: (i) an officer, agent or employee of the
1106 commonwealth, any state or the United States; (ii) a member of the military or other service of
1107 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or
1108 employee of a municipality of the commonwealth; provided, however, that a person described in
1109 clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the
1110 weapon so carried or possessed and is acting within the scope of the person's official duties.

1111 (d) A conviction of a violation of this section shall be reported immediately by the court
1112 or magistrate to the licensing authority. The licensing authority shall immediately revoke the
1113 firearm identification card or license of the person convicted of a violation of this section. No
1114 new firearm identification card or license may be issued to a person convicted of a violation of
1115 this section until 1 year after the date of revocation of the firearm identification card or license.

1116 SECTION 59. Said chapter 140 is hereby further amended by striking out section 131E
1117 and inserting in place thereof the following section:-

1118 Section 131E. A resident of the commonwealth may purchase firearms, rifles, shotguns
1119 and ammunition feeding devices from a dealer licensed pursuant to section 122 or from a person
1120 qualified pursuant to section 128A or may purchase ammunition from a licensee under section
1121 122B subject to the following conditions and restrictions:

1122 (a) rifles, shotguns and feeding devices therefor may be so purchased only upon
1123 presentment of: (i) a valid firearm identification card issued pursuant to section 129B; (ii) a valid
1124 license to carry firearms issued pursuant to section 131; or (iii) valid proof of exempt status
1125 under section 129C; provided, however, that large capacity rifles and shotguns and large capacity
1126 feeding devices therefor may be so purchased only upon presentment of a license to carry
1127 firearms issued pursuant to said section 131; and provided further, that no rifle, shotgun,
1128 ammunition or ammunition feeding device therefor shall be sold to a person younger than 18
1129 years of age; and provided further, that no large capacity rifle, shotgun or large capacity feeding
1130 device therefor shall be sold to a person younger than 21 years of age; and

1131 (b) firearms and feeding devices therefor, including large capacity firearms and large
1132 capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid
1133 license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card
1134 issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;
1135 provided, however, that neither a firearm identification card issued pursuant to said section 129B
1136 nor proof of exempt status under said section 129C shall be valid to purchase a firearm or
1137 ammunition feeding device therefor, including large capacity firearms and large capacity feeding
1138 devices therefor, without being presented together with a valid and proper permit to purchase
1139 issued under section 131A; and provided further, that an alien permit to possess a rifle or shotgun
1140 shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and
1141 provided further, that no firearm, ammunition or ammunition feeding device therefor shall be
1142 sold to a person younger than 21 years of age.

1143 A firearms collector, licensed pursuant to 18 U.S.C. 923(b), may purchase a rifle, shotgun
1144 or firearm that was not previously owned or registered in the commonwealth from a dealer
1145 licensed under section 122 if that rifle, shotgun or firearm is a curio or relic as defined in 27 CFR
1146 478.11.

1147 A person who uses a license to carry firearms or a firearm identification card to purchase
1148 a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an
1149 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or
1150 by imprisonment for not less than 2½ years nor more than 10 years in a state prison or by both
1151 such fine and imprisonment. A conviction of a violation of this section shall be reported
1152 immediately by the court to the licensing authority that issued the license or firearm
1153 identification card. The licensing authority shall immediately revoke the license or firearm
1154 identification card pursuant to said section 129B or said section 131 and no license shall be
1155 issued to a person convicted of a violation of this section within 2 years after the date of the
1156 revocation of the license or firearm identification card.

1157 SECTION 60. Section 131F of said chapter 140, as appearing in the 2012 Official
1158 Edition, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

1159 SECTION 61. The first paragraph of said section 131F of said chapter 140, as so
1160 appearing, is hereby amended by striking out clause (i) and inserting in place thereof the
1161 following clause:-

1162 (i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful
1163 offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable
1164 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
1165 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
1166 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
1167 may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled
1168 substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of domestic
1169 violence as defined in 18 U.S.C. 921(a)(33).

1170 SECTION 62. Said section 131F of said chapter 140, as so appearing, is hereby further
1171 amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of
1172 an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof
1173 the following words:-

1174 (v) is currently the subject of an outstanding arrest warrant in any state or federal
1175 jurisdiction;

1176 (vi) has been discharged from the armed forces of the United States under dishonorable
1177 conditions;

1178 (vii) is a fugitive from justice;

1179 (viii) having been a citizen of the United States, has renounced that citizenship;

1180 (ix) not being a citizen or national of the United States, is illegally or unlawfully in the
1181 United States; or

1182 (x) not being a citizen or national of the United States, has been admitted to the United
1183 States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been
1184 admitted to the United States for lawful hunting or sporting purposes or is in possession of a
1185 hunting license or permit lawfully issued in the United States or another exception set forth in 18
1186 U.S.C. 922(y)(2) applies.

1187 SECTION 63. The fourth paragraph of said section 131F of said chapter 140, as so
1188 appearing, is hereby amended by striking out the first and second sentences and inserting in place
1189 thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be
1190 clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase
1191 firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large
1192 capacity feeding device therefor may be carried if the person has been issued a license. The
1193 colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided,
1194 however, that this entitlement shall be clearly indicated on the license.

1195 SECTION 64. Section 131L of said chapter 140, as so appearing, is hereby amended by
1196 striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3
1197 subsections:-

1198 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun
1199 that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by
1200 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case
1201 of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than
1202 \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both such
1203 fine and imprisonment.

1204 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is
1205 not a large capacity weapon and the weapon was stored or kept in a place where a person
1206 younger than 18 years of age who does not possess a valid firearm identification card issued
1207 under section 129B may have access without committing an unforeseeable trespass, by a fine of
1208 not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1½ years nor
1209 more than 12 years or by both such fine and imprisonment.

1210 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a
1211 large capacity weapon, firearm or machine gun that was stored or kept in a place where a person
1212 younger than 18 years of age may have access without committing an unforeseeable trespass, by
1213 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4
1214 years nor more than 15 years or by both such fine and imprisonment.

1215 SECTION 65. Section 131M of said chapter 140, as so appearing, is hereby amended by
1216 striking out, in line 12, the words “for purposes of law enforcement”.

1217 SECTION 66. Section 131P of said chapter 140, as so appearing, is hereby amended by
1218 striking out, in lines 12 to 17, inclusive, the words “; and provided further, that an applicant for a
1219 firearms identification card for the sole purpose of purchasing or possessing chemical mace,
1220 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
1221 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for
1222 receiving such card”.

1223 SECTION 67. Subsection (a) of said section 131P of chapter 140, as so appearing, is
1224 hereby amended by adding the following paragraph:- A current member of the United States
1225 military or the Massachusetts National Guard who has not been prohibited under said section
1226 129B from owning a firearm and has received adequate training while serving in the military
1227 shall be exempt from being required to submit a basic firearms safety certificate to the licensing
1228 authority upon submitting a copy of the member’s most current military identification form.

1229 SECTION 68. Said section 131P of said chapter 140, as so appearing, is hereby further
1230 amended by striking out, in lines 2 and 66, the words “Class A or Class B”, each time they
1231 appear.

1232 SECTION 69. Said section 131P of said chapter 140, as so appearing, is hereby further
1233 amended by adding the following subsection:-

1234 (f) The colonel of state police shall produce and distribute public service announcements
1235 to encourage and educate the general public about: (i) safe storage and transportation of weapons
1236 pursuant to sections 131C and 131L; and (ii) importance of firearms safety education and
1237 training, including information on places and classes that a person may attend to obtain firearms
1238 safety education and training.

1239 SECTION 70. Said chapter 140 is hereby further amended by inserting after said section
1240 131P the following section:-

1241 Section 131Q. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault
1242 weapon used to carry out a criminal act shall be traced by the licensing authority for the city or
1243 town in which the crime took place. The licensing authority shall report statistical data, when the
1244 data is readily available as determined by the chief of police, including, but not limited to: (i) the
1245 make, model, serial number and caliber of the weapon used; (ii) the type of crime committed;
1246 (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on
1247 the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the
1248 criminal use of the firearm was related to known gang activity; (vii) whether the weapon was
1249 obtained illegally; (viii) whether the weapon was lost or stolen; and (ix) whether the person using
1250 the weapon was otherwise a prohibited person.

1251 The data shall be reported to the commonwealth fusion center or the criminal firearms
1252 and trafficking unit within the division of investigation and intelligence in the department of state

1253 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce
1254 an annual report by December 31 of each year regarding crimes committed in the commonwealth
1255 using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons,
1256 including all of the categories of data contained in this section, and shall submit a copy of the
1257 report to the joint committee on public safety and homeland security, the clerks of the house of
1258 representatives and the senate and, upon request, to criminology, public policy and public health
1259 researchers and other law enforcement agencies.

1260 SECTION 71. Section 3C of chapter 209A of the General Laws, as appearing in the 2012
1261 Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,
1262 including a Class A or Class B license.”.

1263 SECTION 72. Said chapter 209A is hereby further amended by inserting after section 3C
1264 the following section:-

1265 Section 3D. Upon an order for suspension or surrender issued pursuant to sections 3B or
1266 3C, the court shall transmit a report containing the defendant’s name and identifying information
1267 and a statement describing the defendant’s alleged conduct and relationship to the plaintiff to the
1268 department of criminal justice information services. Upon the expiration, cancellation or
1269 revocation of the order, the court shall transmit a report containing the defendant’s name and
1270 identifying information, a statement describing the defendant’s alleged conduct and relationship
1271 to the plaintiff and an explanation that the order is no longer current or valid to the department of
1272 criminal justice information services who shall transmit the report, pursuant to paragraph (h) of
1273 section 167A of chapter 6, to the attorney general of the United States to be included in the
1274 National Instant Criminal Background Check System.

1275 SECTION 73. Chapter 215 of the General Laws is hereby amended by inserting after
1276 section 56B the following section:-

1277 Section 56C. (a) Notwithstanding any general or special law, to the contrary, the
1278 administrative office of the trial court shall transmit an order of the probate court appointing a
1279 guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter
1280 190B, on the grounds that the person lacks mental capacity to contract or manage the person’s
1281 affairs, and any subsequent order terminating or rescinding the appointment, to the department of
1282 criminal justice information services to provide: (i) licensing authorities as defined pursuant to
1283 section 121 of chapter 140 with information required or permitted to be considered under state
1284 and federal law to conduct background checks for firearm sales or licensing; and (ii) the
1285 Attorney General of the United States with information required or permitted under federal law
1286 to be included in the National Instant Criminal Background Check System maintained to conduct
1287 background checks for firearms sales or licensing. The department shall transmit no more
1288 information than is necessary for the purpose stated above and the information shall not be

1289 considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of
1290 chapter 66.

1291 (b) A person found to lack the mental capacity to contract or manage the person's affairs
1292 may, after 5 years from the date of the finding, file a petition for relief with the probate court that
1293 ordered the commitment requesting the court to restore the person's ability to possess a firearm.
1294 The court may grant the relief sought in accordance with due process if the circumstances
1295 regarding the person's disqualifying condition and the person's record and reputation are
1296 determined to be such that: (i) the person is not likely to act in a manner that is dangerous to
1297 public safety; and (ii) the granting of relief would not be contrary to the public interest. In
1298 making the determination, the court may consider evidence from a licensed physician or clinical
1299 psychologist that the person is no longer suffering from the disease or condition that caused the
1300 incapacity or that the disease or condition has been successfully treated for a period of 3
1301 consecutive years. Upon the granting of a petition for relief, the administrative office of the trial
1302 court shall immediately forward a copy of the order for relief to the department of criminal
1303 justice information services for the purposes listed in subsection (a).

1304 SECTION 74. Section 2 of chapter 258E of the General Laws, as appearing in the 2012
1305 Official Edition, is hereby amended by striking out, in line 6, the figure "17" and inserting in
1306 place thereof the following figure:- 18.

1307 SECTION 75. Section 13D of chapter 265 of the General Laws, as amended by section
1308 177 of chapter 165 of the acts of 2014, is hereby further amended by adding the following
1309 paragraph:- Whoever commits an offense under this section and which includes an attempt to
1310 disarm a police officer in the performance of the officer's duty shall be punished by
1311 imprisonment in the state prison for not more than 10 years or by a fine of not more than \$1,000
1312 and imprisonment in a jail or house of correction for not more than 2½ years.

1313 SECTION 76. Said chapter 265 is hereby further amended by inserting after section 13M
1314 the following section:-

1315 Section 13N. Upon entry of a conviction for any misdemeanor offense that has as an
1316 element the use or attempted use of physical force or the threatened use of a deadly weapon the
1317 court shall determine whether the victim or intended victim was a family or household member,
1318 as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a
1319 family or household member of the defendant, the court shall enter the offense, the chapter,
1320 section and subsection, if any, of the offense and the relationship of the defendant to the victim
1321 or intended victim upon the records and this entry shall be forwarded to the department of
1322 criminal justice information services for inclusion in the criminal justice information system and
1323 to provide the attorney general of the United States with information required or permitted under
1324 federal law to be included in the National Instant Criminal Background Check System or any
1325 successor system maintained to conduct background checks for firearm sales or licensing.

1326 SECTION 77. Section 15A of said chapter 265, as appearing in the 2012 Official Edition,
1327 is hereby amended by striking out, in line 23, the word “seventeen” and inserting in place thereof
1328 the following figure:- 18.

1329 SECTION 78. Said section 15A of said chapter 265, as so appearing, is hereby further
1330 amended by striking out, in line 43, the figure “17” and inserting in place thereof the following
1331 figure:- 18.

1332 SECTION 79. Section 15B of said chapter 265, as so appearing, is hereby amended by
1333 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-
1334 18.

1335 SECTION 80. Said chapter 265 is hereby further amended by inserting after section 15C
1336 the following 2 sections:-

1337 Section 15D (a) Whoever commits an assault and battery upon another by discharging a
1338 firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun as defined in
1339 section 121 of chapter 140 shall be punished by imprisonment in the state prison for not more
1340 than 20 years or by imprisonment in the house of correction for not more than 2½ years or by a
1341 fine of not more than \$10,000, or by both such fine and imprisonment.

1342 Section 15E. (a) Whoever attempts to commit an assault and battery upon another by
1343 means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or
1344 machine gun as defined in section 121 of chapter 140 shall be punished by imprisonment in the
1345 state prison for not more than 15 years or by imprisonment in the house of correction for not
1346 more than 2½ years or by a fine of not more than \$10,000, or by both such fine and
1347 imprisonment.

1348 SECTION 81. Section 18 of said chapter 265, as appearing in the 2012 Official Edition,
1349 is hereby amended by striking out, in line 24, the word “seventeen” and inserting in place thereof
1350 the following figure:- 18.

1351 SECTION 82. Section 18B of said chapter 265, as so appearing, is hereby amended by
1352 striking out, in line 40, the figure “17” and inserting in place thereof the following figure:- 18.

1353 SECTION 83. Section 19 of said chapter 265, as so appearing, is hereby amended by
1354 striking out, in line 23, the word “seventeen” and inserting in place thereof the following figure:-
1355 18.

1356 SECTION 84. Section 21A of said chapter 265, as so appearing, is hereby amended by
1357 striking out the last sentence and inserting in place thereof the following sentence:- Whoever
1358 commits any offense described in this section while armed with a firearm, rifle, shotgun,
1359 machine gun or assault weapon, shall be punished by imprisonment in the state prison for not
1360 less than 7 years.

1361 SECTION 85. Section 43 of said chapter 265, as so appearing, is hereby amended by
1362 striking out, in lines 53 and 85, the word “seventeen” and inserting in place thereof, in each
1363 instance, the following figure:- 18.

1364 SECTION 86. Said chapter 265 is hereby further amended by adding the following
1365 section:- Section 58. Any person who is in possession of a deceptive weapon device as defined
1366 in section 121 of chapter 140 during the commission of a violent crime as defined in said section
1367 121 of said chapter 140 shall be deemed to be armed and shall be punishable by penalties set
1368 forth in this chapter.

1369 SECTION 87. Section 17 of chapter 266 of the General Laws, as appearing in the 2012
1370 Official Edition, is hereby amended by striking out the last sentence and inserting in place
1371 thereof the following sentence:- Whoever commits any offense described in this section while
1372 armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by
1373 imprisonment in the state prison for not less than 7 years or in the house of correction for not less
1374 than 2 years nor more than 2½ years.

1375 SECTION 88. Section 18 of said chapter 266, as so appearing, is hereby amended by
1376 striking out the last sentence and inserting in place thereof the following sentence:- Whoever
1377 commits any offense described in this section while armed with a firearm, rifle, shotgun,
1378 machine gun or assault weapon shall be punished by imprisonment in the state prison for not less
1379 than 7 years or by imprisonment in the house of correction for not less than 2 years nor more
1380 than 2½ years.

1381 SECTION 89. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
1382 amended by striking out, in lines 50 and 52, the word “seventeen” and inserting in place thereof,
1383 in each instance, the following figure:- 18.

1384 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further
1385 amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

1386 (j) For the purposes of this paragraph, “firearm” shall mean any pistol, revolver, rifle or
1387 smoothbore arm from which a shot, bullet or pellet can be discharged.

1388 Whoever, not being a law enforcement officer and notwithstanding any license obtained
1389 by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or
1390 other dangerous weapon in any building or on the grounds of any elementary or secondary
1391 school, college or university without the written authorization of the board or officer in charge of
1392 the elementary or secondary school, college or university shall be punished by a fine of not more
1393 than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer
1394 may arrest without a warrant and detain a person found carrying a firearm in violation of this
1395 paragraph.

1396 Any officer in charge of an elementary or secondary school, college or university or any
1397 faculty member or administrative officer of an elementary or secondary school, college or
1398 university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and
1399 punished by a fine of not more than \$500.

1400 SECTION 91. Said section 10 of said chapter 269, as so appearing, is hereby further
1401 amended by striking out, in line 188, the words "Class A or Class B".

1402 SECTION 92. Said section 10 of said chapter 269, as so appearing, is hereby further
1403 amended by striking out, in line 212, the figure "17" and inserting in place thereof the following
1404 figure:- 18.

1405 SECTION 93. Section 10E of chapter 269 of the General Laws, as appearing in the 2012
1406 Official Edition, is hereby amended by inserting a new section in its entirety in place thereof the
1407 following:

1408 Section 10E. (1) One or more, but less than three, be punished by a term of imprisonment
1409 of not more than ten years in the state prison or by a fine of not more than fifty thousand dollars
1410 may be imposed or by both such imprisonment and fine.

1411 (2) Three or more, but less than ten, be punished by a term of imprisonment of not more
1412 than twenty years in the state prison. No sentence imposed under the provisions of this paragraph
1413 shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not
1414 more than one hundred thousand dollars may be imposed but not in lieu of the mandatory
1415 minimum term of imprisonment, as established herein.

1416 (3) Ten or more, be punished by a term of imprisonment not less than ten years up to life
1417 imprisonment in the state prison. No sentence imposed under the provisions of this paragraph
1418 shall be for less than a mandatory minimum term of imprisonment of ten years and a fine of not
1419 more than one hundred and fifty thousand dollars may be imposed but not in lieu of the
1420 mandatory minimum term of imprisonment, as established herein.

1421 A prosecution commenced under this section shall not be placed on file or continued
1422 without a finding, and the sentence imposed upon a person convicted of violating any provision
1423 of said section shall not be reduced to less than the mandatory minimum term of imprisonment as
1424 established in said section, nor shall any sentence of imprisonment imposed upon any person be
1425 suspended or reduced until such person shall have served said mandatory minimum term of
1426 imprisonment.

1427 A person convicted of violating any provision of this section shall not, until he shall have
1428 served the mandatory minimum term of imprisonment established herein, be eligible for
1429 probation, parole, furlough, work release, or receive any deduction from his sentence for good
1430 conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one

1431 hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that
1432 the commissioner of corrections may, on the recommendation of the warden, superintendent, or
1433 other person in charge of the correctional institution, grant to said offender a temporary release in
1434 the custody of an officer of such institution for the following purposes: to attend the funeral of a
1435 relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services
1436 unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and
1437 seventy-six shall not apply to any person, seventeen years of age or over, charged with a
1438 violation of said sections, or to any child between the age of fourteen and seventeen, so charged,
1439 if the court is of the opinion that the interests of the public require that he shall be tried for such
1440 offense instead of being dealt with as a child.

1441 SECTION 94. Section 10E of said chapter 269, as so appearing, is hereby amended by
1442 striking out, in lines 46 and 48, the word “seventeen” and inserting in place thereof, in each
1443 instance, the following figure:- 18.

1444 SECTION 95. Section 10F of said chapter 269, as so appearing, is hereby amended by
1445 striking out, in line 26, the figure “17” and inserting in place thereof the following figure:- 18.

1446 SECTION 96. Section 10G of said chapter 269, as so appearing, is hereby amended by
1447 striking out, in line 33, the figure “17” and inserting in place thereof the following figure:- 18

1448 SECTION 97. Said chapter 269 is hereby further amended by inserting after section 10H
1449 the following 3 sections:-

1450 Section 10I. (a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off
1451 shotgun into the commonwealth to use the weapon for the commission of criminal activity shall
1452 be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years.

1453 (b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into
1454 the commonwealth to unlawfully distribute, sell or transfer possession of the weapon to a
1455 prohibited person, as defined in section 131 of chapter 140, shall be punished by imprisonment
1456 in the state prison for not less than 10 years nor more than 20 years.

1457 (c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into
1458 the commonwealth to unlawfully distribute, sell or transfer the weapon to a prohibited person, as
1459 defined in section 131 of chapter 140, and if the weapon is subsequently used to cause the death
1460 of another, shall be punished by imprisonment in the state prison for not less than 20 years.

1461 Section 10J. (a) Whoever in the nighttime or the daytime breaks and enters a building,
1462 ship, vessel or vehicle to steal a firearm shall be punished by imprisonment in the state prison for
1463 not more than 5 years or by imprisonment in the house of correction for not more than 2½ years
1464 or by a fine of not more than \$10,000, or by both such fine and imprisonment.

1465 (b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or
1466 vehicle to steal a firearm to distribute to a prohibited person, as defined in section 131 of chapter
1467 140 shall be punished by imprisonment in the state prison for not more than 10 years or by
1468 imprisonment in the house of correction for not more than 2½ years or by a fine of not more than
1469 \$10,000, or by both such fine and imprisonment.

1470 (c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or
1471 vehicle to steal a firearm and in the process causes injury of another shall be punished by
1472 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of
1473 correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine
1474 and imprisonment.

1475 Any motor vehicle lawfully owned or operated by any person convicted pursuant to this
1476 section shall be forfeited pursuant to section 24W of chapter 90. All proceeds from the auction of
1477 the vehicle shall be deposited into the Public Safety Training Fund established under section
1478 2JJJJ of chapter 29.

1479 Section 10K. (a) Whoever in the nighttime or the daytime breaks and enters any building
1480 in which a firearm retailer, wholesaler or manufacturer conducts business shall be punished by
1481 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of
1482 correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine
1483 and imprisonment.

1484 (b) Whoever in the nighttime or the daytime breaks and enters any building in which a
1485 firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully
1486 obtain a firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment
1487 in the state prison for not more than 10 years or by imprisonment in the house of correction for
1488 not more than 2½ years or by a fine of not more than \$10,000, or by both such fine and
1489 imprisonment.

1490 (c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by
1491 means of breaking and entering, in the nighttime or the daytime, any building in which a firearm
1492 retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said
1493 firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the
1494 state prison for not more than 20 years or by imprisonment in the house of correction for not
1495 more than 2½ years or by a fine of not more than \$10,000, or by both such fine and
1496 imprisonment.

1497 SECTION 105. Said section 58A of chapter 276 is hereby further amended by
1498 inserting after the words “chapter 90,” in line 16, the following words:- or convicted of a violent
1499 crime as defined in said section 121 of said chapter 140 for which a term of imprisonment was
1500 served and arrested and charged with a second or subsequent offense of felony possession of a
1501 weapon or machine gun as defined in section 121 of chapter 140,.

1502 SECTION 106. (a) For purposes of this section, a person has been determined by a
1503 court, board, commission or other lawful authority to pose a serious risk of harm if the person
1504 was:

1505 (i) involuntarily committed to a psychiatric hospital pursuant to sections 7, 8 or 18A or
1506 subsection (e) of section 12 or subsection (b) of section 15 of chapter 123 of the General Laws;

1507 (ii) involuntarily committed for alcohol or substance abuse treatment under section 35 of
1508 chapter 123 of the General Laws;

1509 (iii) committed as a sexually dangerous person pursuant to chapter 123A of the General
1510 Laws;

1511 (iv) adjudicated incompetent to stand trial or not guilty by reason of mental illness under
1512 sections 15 or 16 of chapter 123 of the General Laws;

1513 (v) found not guilty by reason of lack of mental responsibility pursuant to Article 50a of
1514 the Uniform Code of Military Justice, 10 U.S.C. § 850a; or

1515 (vi) found not guilty by reason of lack of mental capacity or mental responsibility
1516 pursuant to Article 76b of said Uniform Code of Military Justice, 10 U.S.C. § 876b.

1517 (b) Notwithstanding section 36 of chapter 123 of the General Laws and, to provide a
1518 licensing authority as defined in section 121 of chapter 140 of the General Laws with
1519 information required or permitted to be considered pursuant to state law to conduct background
1520 checks for firearms sales or licensing and to provide the attorney general of the United States
1521 with information required or permitted under federal law to be included in the National Instant
1522 Criminal Background Check System maintained to conduct background checks for firearms sales
1523 or licensing, the department of mental health shall, within 180 days of the effective date of this
1524 section, transmit to the department of criminal justice information services sufficient information
1525 to identify all persons known to the department to have been, within 20 years preceding the
1526 effective date of this section: (i) committed to psychiatric hospital, including commitments for
1527 mental illness pursuant to section 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of
1528 section 15 or subsection (b) or (c) of section 16 of said chapter 123 of the General Laws or a
1529 commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123 of the
1530 General Laws; or (ii) determined by a court, board, commission or other lawful authority to pose
1531 a serious risk of harm.

1532 The department shall provide no more information than is necessary for the purpose
1533 stated above and the information shall not be considered a public record under clause Twenty-
1534 sixth of section 7 of chapter 4 of the General Laws.

1535 SECTION 107. Notwithstanding any general or special law to the contrary, a
1536 person licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180

1537 days of the effective date of this section, obtain from the department of criminal justice
1538 information services all available criminal offender record information, as defined in section 167
1539 of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of
1540 section 172 of said chapter 6, for current employees to determine the continued suitability of
1541 employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

1542 SECTION 108. There is hereby established a task force to consist of: the secretary
1543 of the executive office of public safety and security or a designee; the commissioner of public
1544 health or a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person
1545 selected by the Massachusetts Chiefs of Police Association; 1 person selected by the committee
1546 for public counsel services; 1 person selected by the National Alliance on Mental Illness of
1547 Massachusetts, Inc.; and 1 person appointed by the Massachusetts District Attorneys
1548 Association.

1549 The task force shall study and report on suitable and feasible options for the
1550 safekeeping of a distressed person's firearms in a location away from the household, by his or
1551 her relations or community nongovernmental organizations including, but not limited to, legal
1552 protections for: (1) private citizens acting as good samaritans, who are of direct relation to the
1553 distressed person by family or affection; (2) turn-in and temporary storage of a distressed
1554 person's firearm by a licensed gun store or gun club; (3) and turn-in and temporary storage of a
1555 distressed person's firearm by any other type of organization or facility under registration as a
1556 firearms safe harbor.

1557 The task force shall be provided with quarters in the state house or elsewhere and may: (i)
1558 expend for expenses and for expert, legal, clerical and other assistance such sums as may be
1559 appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or
1560 executive meetings of the task force shall be open to the public unless a majority of the members
1561 of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk
1562 of either branch, and the notice or a copy thereof shall be publicly posted in the office of such
1563 clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

1564 The task force shall report the results of its study, together with drafts of legislation, if
1565 any, necessary to carry its recommendations into effect, by filing the report with the clerks of the
1566 house of representatives and senate on or before July 31, 2015. The clerks of the house of
1567 representatives and senate shall forward the report to the chairs of the joint committee on public
1568 safety and the chairs of the joint committee on mental health and substance abuse.

1569 SECTION 109. Notwithstanding any general or special law to the contrary, neither
1570 a licensing authority as defined in section 121 of chapter 140 of the General Laws nor the
1571 colonel of state police shall issue, renew or accept application for a Class B license to carry
1572 pursuant to sections 131 or 131F of said chapter 140 as of the effective date of this section;
1573 provided, however, that any Class B license issued pursuant to said sections 131 or 131F of said
1574 chapter 140 prior to the effective date of this section shall remain in effect, subject to any

1575 restrictions or conditions set forth in any general or special law until the date on which the Class
1576 B license is set to expire or July 31, 2020, whichever occurs first; and provided further, that any
1577 application for renewal of a Class B license filed after the effective date of this section shall not
1578 extend the license beyond the stated expiration date pursuant to said section 131 of said chapter
1579 140 and the Class B license shall expire on the anniversary of the licensee's date of birth
1580 occurring not less than 5 years but not more than 6 years from the date of issue or January 1,
1581 2021, whichever occurs first.

1582 SECTION 110. The department of public health, in consultation with the center for
1583 health information and analysis, shall develop an implementation proposal and spending plan to
1584 create a data warehouse, linking relevant private and public data systems in order to receive near
1585 real-time data feeds from vital records, hospitals and other clinical partners. In the proposal, all
1586 efforts shall be made by the department and the center to limit duplicative reporting requirements
1587 by vital records, hospitals and other clinical partners. The proposal shall: (i) streamline the
1588 operation of applicable institutional review boards; (ii) engage academic partners to help support
1589 surveillance and evaluation activities; (iii) amend the department's reporting functions in order to
1590 allow for expedited reporting based on partially complete but statistically reliable data; and (iv)
1591 set forth the timeline for implementing the data warehouse. The warehouse shall be subject to the
1592 federal Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2 and all other
1593 applicable state and federal laws governing the confidentiality of personal data.

1594 The department, in consultation with the center, shall submit the implementation proposal
1595 and spending plan, as well as any additional legislative language necessary to implement the data
1596 warehouse project, not later than December 1, 2014, to the house and senate committees on ways
1597 and means, the joint committee on public safety and homeland security, the joint committee on
1598 health care financing and the joint committee on public health.

1599 SECTION 111. The board of registration of psychologists shall amend its
1600 regulations to include schools as health service training program sites to accrue supervised health
1601 service training hours applicable to licensure as a doctoral level psychologist with certification as
1602 a health services provider. Eligible training at a school site shall occur as part of a formal
1603 training affiliation between a school and an organized integrated training program; provided,
1604 however, that the organized integrated training program may provide a licensed psychologist to
1605 supervise doctoral trainees in clinical psychology if a school does not have a licensed
1606 psychologist as a member of the school staff.

1607 SECTION 112. Notwithstanding any general or special law to the contrary, the
1608 chief of police in each city or town shall make reasonable efforts to enter into a memorandum of
1609 understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United
1610 States Department of Justice to analyze firearms trace data.

1611 SECTION 113. Section 7 shall take effect on June 30, 2016.

1612 SECTION 114. The safe and supportive schools commission established under
1613 subsection (g) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not
1614 more than 90 days after the effective date of this act.

1615 SECTION 115. Notwithstanding any general or special law to the contrary, the
1616 initial safe and supportive schools framework, as required under subsection (b) of section 1P of
1617 chapter 69 of the General Laws shall be consistent with the framework recommended by the
1618 behavioral health and public schools task force created under section 19 of chapter 321 of the
1619 acts of 2008

1620 SECTION 116. By December 3, 2014, the department of elementary and
1621 secondary education, subject to appropriation, shall adopt rules and regulations pursuant to
1622 section 95 of chapter 71 of the General Laws requiring that all public school districts shall
1623 provide suicide awareness and prevention training. School personnel hired after the effective
1624 date of this section but before December 3, 2014 shall obtain the training by March 4, 2015.

1625 SECTION 117. Sections 1, 3, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 26, 28, 31, 32,
1626 37, 39, 40, 41, 43, 44, 45, 46, 49, 51, 52, 54, 57, 58, 59, 60, 64, 65, 67, 73, 74, 76, 77, 79, 80, 84,
1627 88, 91, 92, 94, 100, 101, and 102 shall take effect on January 1, 2015.

1628 SECTION 118. Sections 29 and 30 shall take effect on March 1, 2015; provided,
1629 however, that the chief information officer of the commonwealth, in conjunction with the
1630 secretary of public safety and security, shall procure any necessary information technology
1631 services to implement the real time web portal pursuant to said section 30 by October 1, 2014.

1632 SECTION 119. Section 12 shall take effect on April 1, 2015.

1633 SECTION 120. The first report under clause (10) of section 18 $\frac{3}{4}$ of chapter 6A of
1634 the General Laws shall be due not later than March 1, 2016.

1635 SECTION 121. Section 34 is hereby repealed.

1636 SECTION 122. Sections 24, 25, 34, 42, 47, 48, 50, 53, 55, 61, 62, 63, 66, 71, and
1637 75 shall take effect on January 1, 2021.