

An Act to Reduce Gun Violence and to Protect the Citizens of the Commonwealth

Section 1

- Eliminates licenses for large capacity weapons except for gun clubs and target ranges; all such weapons and grandfathered assault weapons must be stored at gun clubs or target ranges.
- Increases penalties for making false application for gun licenses to ten years and makes the crime a felony.
- All applicants for licenses and FID cards must sign waiver of mental health records; providers must provide records to licensing authority.
- Sets up standards for what a “suitable person” is to qualify for license or FID card; gives local police chiefs more discretion in issuing or denying a license.

Section 2

- Incorporates “suitable person” standard for issuances of FID cards; same standard for issue as Class A or B license, giving local police chiefs more discretion.

Section 3

- Removes Assault Weapon Ban loophole by banning private transfer of pre-1994 assault weapon; requires them to be stored at gun clubs or shooting ranges, or transferred to law enforcement.

Section 4

- Requires liability insurance for possession of a firearm, rifle or shotgun.

Section 5

- Requires live shooting as part of the curriculum for a basic firearms safety course; eliminates hunter safety course as a substitute for basic firearms safety course as requirement for gun license.

Section 6

- Imposes 25% sales tax on ammunition, firearms, shotguns, and rifles; dedicates funds towards firearms licensing, police training, mental health services, and victim’s services.

Sections 7-16

- Brings Massachusetts into compliance with the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, a federal law passed in the aftermath of the Virginia Tech shooting tragedy.

- Requires that the courts transmit all required mental health adjudications and orders to the state's criminal justice information system to be provided to the Attorney General of the United States for the purpose of firearms licensing only.

Sections 17-18, 23

- Limits gun buyers to one firearm purchase per month.
- Requires private sales of firearms to be recorded at a dealer location, so that the record of the sale will be included in the Massachusetts Instant Record Checking System.

Sections 19-22

- Clarifies the law to strictly prohibit the handling of a machine gun by anyone other than a licensed machine gun operator.

Section 24

- Updates definition of "ammunition".

Section 25

- Creates crime of unlawfully offering for sale an assault weapon or large capacity feeding device.

Section 26

- Increases the penalty for illegal possession of a large capacity weapon or feeding device to a mandatory minimum five years in state prison and a maximum of twenty years in state prison.

Section 27

- Increases penalty for crime of possessing a firearm on school property and creates a right-of-arrest for the police.

Sections 28 and 29

- Provides for concurrent jurisdiction in the district and superior courts for the new crimes created in this bill – assault and battery by means of a firearm (first offense only, as second and subsequent offenses will be subject to a mandatory minimum term in state prison and must be prosecuted in superior court), assault by means of a firearm (first offense only) and being in possession of a firearm after a conviction punishable by more than one year.

Section 30

- Requires the court to enter a notation upon the record when any misdemeanor offense that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, was committed against a family or household member of the defendant, as

defined in G.L. c. 209A, § 1; such information is required in order to attain compliance with federal standards for firearms licensing background checks.

Section 31

- Creates two new crimes: (1) assault and battery upon another by means of a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun or assault weapon; and (2) assault upon another by means of a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun or assault weapon. A first offense of the new assault and battery crime will be punishable by up to 15 years in state prison and a fine of up to \$10,000. A second or subsequent offense will be punishable by a mandatory minimum term of 3 years and a maximum of 20 years. A first offense of the new assault crime will be punishable by a mandatory minimum term of 2 years and a maximum of 15 years. Sentences will run from and after other firearms-related sentences arising from the same incident.

Section 32

- Creates a new crime for the commission of a violent misdemeanor (one that has as an element the use, threatened use, or attempted use of force) while in possession of a firearm, rifle or shotgun. The offense is punishable by 2.5 years imprisonment in a house of correction or up to 10 years in state prison.

Section 33

- Increases the authorized penalties for third and fourth offenses of illegal possession and carrying of firearms, shotguns, rifles, and machine guns to 10-15 years (currently 7-10) and 15-20 years (currently 10-15) respectively. Also increases the maximum punishment for a second offense to 10 years from 7 years; the minimum punishment for a second offense remains 5 years.