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:

SECTION 1. Section 167A of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following paragraph:-

(h) Notwithstanding any general or special law or court order, including an order of impoundment, to the contrary, the department shall transmit to the Attorney General of the United States any information in its control required or permitted under federal law to be included in the National Instant Background Check System or any successor system maintained for the purpose of conducting background checks for firearms sales or licensing. No more information than is necessary for the purposes stated above shall be transmitted, and such information shall not be considered a public record under section 7 of chapter 4 and section 10 of chapter 66.

SECTION 2. Subsection (a) of section 172 of said chapter 6, as so appearing, is hereby amended by adding the following clause:-

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

SECTION 3. Said chapter 6 is hereby further amended by inserting after section 172K the following section:-
Section 172L. Notwithstanding section 172 or any other general or special law to the contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the department all available criminal offender record information prior to accepting any person as an employee to determine the suitability of such employees who may have direct and unmonitored contact with firearms, shotguns or rifles. Any person obtaining information pursuant to this section shall not disseminate such information for any purpose other than the further protection of public safety.

SECTION 4. Section 6 of chapter 22C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

There shall be within the division a special unit known as the criminal firearms and trafficking unit or the commonwealth fusion center, which, subject to appropriation, shall assist the offices of the attorney general and district attorneys in investigating and prosecuting all state firearm crimes.

SECTION 5. Chapter 69 of the General Laws is hereby amended by inserting after section 1O the following section:-

Section 1P. (a) As used in this section the term “safe and supportive schools” shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students’ behavioral health, including social and emotional learning, bullying prevention, traumasensitivity, dropout prevention, truancy reduction, children’s mental health, the education of foster care and homeless youth, the inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) There shall be within the department of elementary and secondary education, a safe and supportive schools framework. The framework shall provide guidance and support to schools to assist with the creation of safe and supportive schools that improve the education outcomes for students. The framework shall include, but not be limited to, the following elements of school operations:

(i) leadership by school administrators to create structures within schools that promote collaboration between schools and behavioral health providers within the scope of confidentiality laws;

(ii) professional development for school personnel and behavioral health service providers that: (1) clarifies roles and promotes collaboration within the scope of confidentiality laws; increases cultural competency; (2) increases school personnel’s knowledge of behavioral
health symptoms, the impact of these symptoms on behavior and learning and the availability of
community resources; (3) enhances school personnel’s skills to help children form meaningful
relationships, regulate their emotions, behave appropriately and succeed academically and to
work with parents who may have behavioral health needs; (4) increases providers’ skills to
identify school problems and to provide consultation, classroom observation and support to
school personnel, children and their families; and (5) increases school personnel’s and providers’
knowledge of the impact of trauma on learning, relationships, physical well being and behavior
and of school-wide and individual approaches that help traumatized children succeed in school;

(iii) access to clinically, linguistically and culturally-appropriate behavioral health
services, including prevention, early intervention, crisis intervention, screening and treatment,
especially for children transitioning to school from other placements, hospitalization or
homelessness and children requiring behavioral health services pursuant to special education
individual education plans;

(iv) academic and non-academic supports that build upon students’ strengths, promote
success in school, maximize time spent in the classroom and minimize suspensions, expulsions
and other removals for students with behavioral health challenges;

(v) policies and protocols for referrals to behavioral health services that minimize time
out of class, safe and supportive transitions to school, consultation and support for school staff,
confidential communication, appropriate reporting of child abuse and neglect pursuant to section
51A of chapter 119 and discipline that focuses on reducing suspensions and expulsions and that
balances accountability with an understanding of the child’s behavioral health needs and trauma;

(vi) policies and protocols for a truancy prevention program certification by the
department which may include mechanisms to provide technical assistance to school districts and
to encourage each school district to adopt and implement a truancy prevention program which
meets the certification criteria; and

(vii) collaboration with families.

(c) Subject to appropriation, each school district, charter school, non-public school,
approved private day or residential school and collaborative school shall develop shall
implement the safe and supportive schools framework in order to organize, integrate and sustain
school and district-wide efforts to create safe and supportive school environments; and
coordinate and align student support initiatives.

(d) The department shall implement a safe and supportive schools framework self-
assessment tool. The self-assessment tool shall be organized according to the elements of the
framework established pursuant to subsection (b), and shall be used by schools to: (i) assess their
capacity to create and sustain safe and supportive school environments for all students; (ii)
identify areas where additional school-based action, efforts, guidance and support are needed in
order to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or refining the safe and supportive schools framework and the safe and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established pursuant to subsection (h).

(e) Subject to appropriation, each school shall develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 1I; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as limiting the ability of the school principal to appoint a team for the purpose of developing the school’s action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall make every effort to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

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

(f) Each school district shall include in its 3-year district improvement plan required under section 1I a description of the steps the district will take to support the district-wide implementation of the safe and supportive schools framework and to facilitate regional coordination with behavioral health providers and other community organizations.

Each district shall publish on its website all school action plans created under subsection (c) for each school in the district.

(g) Subject to appropriation, the department shall facilitate and oversee the state-wide implementation of the safe and supportive schools framework. The department shall: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans, and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and
(h) There shall be a safe and supportive schools commission to collaborate with and advise the department on the state-wide implementation of the framework. The commission shall also support and provide feedback on the statewide implementation of the framework by the department. The commission shall consist of 18 members: 1 of whom shall be the commissioner of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators’ Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers Massachusetts; 1 of whom shall be a director of special education or director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by the Massachusetts School Psychologists Association; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on learning appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1 of whom shall be a student appointed by the Board of Elementary and Secondary Education Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, subject to appropriation, wherein grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts, subject to appropriation; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e), subject to appropriation. Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.
implementing the framework; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children’s behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

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

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

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

The commission shall prepare and submit an annual progress report concerning the commission’s activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, on or before December 31. The commission shall meet no less than 4 times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse, the chairs of the joint committee on children, families and persons with disabilities, and the chairs of the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that can be leveraged to support the statewide implementation of the safe and supportive schools
framework; (ii) training programs and professional development for school staff on creating safe
and supportive learning environments; (iii) improving access to clinically, culturally and
linguistically appropriate services; and (iv) addressing the administrative functions necessary to
carry out the implementation of the safe and supportive schools framework.

SECTION 6. Chapter 71 of the General Laws is hereby amended by inserting after
section 37O the following 3 sections:-

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

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

“School resource officer”, a duly sworn municipal police officer with all necessary
training, up-to-date certificates or a special officer appointed by the chief of police charged with
providing law enforcement and security services to elementary and secondary public schools.
For the purpose of this section a school resource officer shall be exempt under paragraph (j) of
section 10 of chapter 269.

(b) The school department of a city or town, a commonwealth charter school, a regional
school district or a county agricultural school shall, subject to appropriation, be assigned at least
1 school resource officer to serve the city, town, regional school district or county agricultural
school. The chief of police, in consultation with the superintendent, shall appoint the school
resource officer. In the case of a regional school district or county agriculture school, the chief
of police of the city or town where the school lies, in consultation with the superintendent, shall
appoint the school resource officer.

In appointing school resource officers, chiefs of police shall consider candidates that they
believe would strive to foster an optimal learning environment and educational community. The
appointment shall not be based solely on seniority. The performance of school resource officers
shall be reviewed annually by the superintendent and the chief of police.

(c) Upon written application by a school department of a city or town, a regional school
district or a county agricultural school, the secretary of elementary and secondary education may
waive the requirements of this section if the secretary believes a school resource office would not
assist that particular city or town, a regional school district or a county agricultural school to
ensure safe schools.

(d) The department of elementary and secondary education shall promulgate any rules or
regulations necessary to carry out this section.
Section 37Q. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

“Charter school”, commonwealth charter schools and Horace Mann charter schools established pursuant to section 89.

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

“Plan”, a mental health support plan established pursuant to subsection (b).

“School district”, the school department of a city or town, a regional school district or a county agricultural school.

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

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

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

“School”, any school administered by a school department of a city or town or regional school district, any county agricultural school, any commonwealth charter school or Horace Mann charter school established pursuant to section 89 or any educational collaborative established pursuant to section 4E of chapter 40.

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

(b) Every school shall, subject to appropriation, possess and have access to a two-way communication device to be used solely for communicating with police and fire departments of the city or town where the school lies during an emergency situation.
SECTION 7. Said chapter 71 is hereby further amended by adding the following section:-

Section 95. (a) The department shall adopt rules to require that all public school districts and commonwealth charter schools provide at least 2 hours of suicide awareness and prevention training every 3 years to all school personnel. Any new hire shall obtain the training within 90 days of being hired. The training shall be provided within the framework of existing in-service training programs offered by the department or as part of required professional development activities.

(b) The department shall, in consultation with the department of public health and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this section. Approved materials shall include training on how to identify appropriate mental health services both within the school and also within the larger community, and when and how to refer students and their families to those services.

(c) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this section or resulting from any training, or lack thereof, required by this section.

(d) The training, or lack thereof, required by the provisions of this section shall not be construed to impose any specific duty of care.

SECTION 8. Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 230. The department shall, subject to appropriation, collect, record and analyze data on all suicides in the commonwealth. Data collected for each incident shall include, to the extent possible and with respect to all applicable privacy protection laws, the following: (1) the source of the means of the suicide; (2) the length of time between purchase of the means and the death of the decedent; (3) the relationship of the owner of the means to the decedent; (4) whether the means was legally obtained and owned pursuant to the laws of the commonwealth; (5) any record of past suicide attempts by the decedent; (6) and any record of past mental health treatment of the decedent. Names, addresses or other identifying factors shall not be included.

The department shall annually submit a report, which shall include aggregate data collected for the preceding calendar year and the department’s analysis, with the clerks of the house of representatives and the senate and the executive office of public safety and security on or before December 31.

The commissioner shall work in conjunction with the offices and agencies in custody of the data listed in this section to facilitate collection of the data, and to ensure that data sharing mechanisms are in compliance with all applicable laws relating to privacy protection.
Data collected and held by the department for the purpose of completing a report pursuant to this section shall not be subject to section 10 of chapter 66.

SECTION 9. Chapter 112 of the General Laws is hereby amended by inserting after section 5M the following section:-

Section 5N. The board shall, in collaboration with experts in violence and injury prevention, and in coordination with relevant training accreditation bodies, develop or provide for, and make available for voluntary participation by any physician, a professional development training module on suicide prevention through reduction of access to lethal means. The goal of the training module shall be to encourage physicians to speak with their patients and patients’ families about the risk posed by access to lethal means in the home, and to increase a physician’s ability and comfort in having such discussions with patients and families in a legally, ethically and medically appropriate manner. The training module shall include information on:

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

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

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

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

(v) other information deemed by the board to be appropriate and relevant to the purpose of the training.

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

SECTION 10. Section 35 of chapter 123 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following 4 paragraphs:-

The court, in its order, shall specify whether such commitment is based upon a finding that the person is an alcoholic, a substance abuser, or both. The court, upon ordering the commitment of a person found to be substance abuser or alcoholic pursuant to this section, shall transmit the person's name and nonclinical identifying information, including the person's Social Security number and date of birth, to the department of criminal justice information services.

The court shall notify the person that he or she is prohibited from being issued a firearm
identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief pursuant to this section is subsequently granted.

After 5 years from the date of commitment, a person found to be a substance abuser or alcoholic and committed pursuant to this section may file a petition for relief with the court that ordered the commitment requesting that the court restore the person's ability to possess any firearm, rifle or shotgun. The court may grant the relief sought in accordance with the principles of due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed medical doctor or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of 3 consecutive years.

When the court grants a petition for relief pursuant to this section, the clerk shall immediately forward a copy of the order for relief to the department of criminal justice information services, who shall transmit the order, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general to be included in the National Instant Criminal Background Check System.

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

SECTION 11. Section 36A of said chapter 123, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the preceding paragraph, a court may, pursuant to section 35 and section 36C, transmit information contained in court records to the department of criminal justice information services for the purposes of: (i) providing licensing authorities as defined under section 121 of chapter 140 of the General Laws with information required or permitted to be considered under state or federal law for the purpose of conducting background checks for firearm sales or licensing; and (ii) providing the attorney general of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained for the purpose of conducting background checks for firearms sales or licensing; provided, however, the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation purposes. Information transmitted to the department of criminal justice information services pursuant to this section and sections 35 and 36C shall not be considered public records pursuant to section 7 of chapter 4.
SECTION 12. Said chapter 123 is hereby further amended by inserting after section 36B the following section:-

Section 36C. (a) A court that orders the commitment of a person pursuant to section 7, 8, 15, 18 or subsections (b) and (c) of section 16, shall transmit the person's name and nonclinical, identifying information, including the person's Social Security number and date of birth to the department of criminal justice information services. The court shall notify the person that he or she is prohibited from being issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief pursuant to subsection (b) is subsequently granted.

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

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

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

SECTION 13. The first paragraph of section 14 of chapter 131 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the second sentence the following sentence:-

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

SECTION 14. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “131P” and inserting in place thereof the following word:- 131Q.
SECTION 15. Section 123 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 37 and 59, the words “Class A”.

SECTION 16. Said section 123 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 40 and 63, the words “Class A or Class B”.

SECTION 17. Said section 123 of said chapter 140, as so appearing, is hereby further amended by inserting after the word “height”, in line 127, the following words: - , and further that the licensee shall conspicuously post and distribute at each purchase counter a notice providing information on suicide prevention developed and provided by the division on violence and injury prevention within the department of public health.

SECTION 18. Section 128 of said chapter 140, as so appearing, is hereby amended by inserting after the word “sixteenth”, in line 4, the following words: -, seventeenth.

SECTION 19. Section 128A of said chapter 140, as so appearing, is hereby amended by striking out, in lines 26 to 38, inclusive, the words “; and provided, further, that such resident reports within seven days, in writing to the commissioner of the department of criminal justice information services on forms furnished by said executive director, the names and addresses of the seller and the purchaser of any such large capacity feeding device, firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including its designation as a large capacity weapon, if applicable, the calibre, make and serial number and the purchaser’s license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun”.

SECTION 20. Said section 128A of said chapter 140, as so appearing, is hereby amended by adding the following paragraph: -

Any sale or transfer conducted pursuant to this section shall comply with section 131E and shall, prior to or at the point of sale, be conducted over a real time web portal developed by the department of criminal justice information services. The department of criminal justice information services shall require each person selling or transferring a firearm, shotgun or rifle pursuant to this section to electronically provide though the portal such information as is determined to be necessary for the purposes of verifying the identification of the seller and purchaser and ensuring that the sale or transfer complies with the provisions of this section. Upon submission of the required information, the portal shall automatically review such information and display a message indicating whether the seller may or may not proceed with the sale or transfer and shall provide any further instructions for the seller as determined to be necessary by the department of criminal justice information services. The department of criminal justice information services shall keep a record of any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser with verification of such sale or transfer.
SECTION 129B of said chapter 140, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following 2 paragraphs:-

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

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:
(a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33); provided, however, that except for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than 5 years immediately preceding such application, such applicant's right or ability to possess a rifle or shotgun shall be deemed restored in the commonwealth with respect to such conviction or adjudication and such conviction or adjudication shall not disqualify such applicant for a firearm identification card;

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of:
(a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of weapons or controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than 5 years immediately preceding such application, such applicant's right or ability to possess a rifle or shotgun has been fully restored in the
jurisdiction wherein the subject conviction or adjudication was entered, such conviction or
adjudication shall not disqualify such applicant for a firearm identification card;

(iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C
of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance
abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her
application an affidavit of a registered physician attesting that such physician is familiar with the
applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the
applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that
should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an
order of a court to any hospital or institution for mental illness, unless the applicant was granted
a petition for relief of the court’s order pursuant to section 36C of chapter 123 and submits a
copy of the order for relief with his or her application; (c) subject to an order of the probate court
appointing a guardian or conservator for a incapacitated person on the grounds that that applicant
lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was
granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the
order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and
committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition
for relief of the court’s order pursuant to said section 35 and submits a copy of the order for
relief with his or her application;

(iv) is at the time of the application less than 15 years of age;

(v) is at the time of the application more than 15 but less than 18 years of age, unless the
applicant submits with his application a certificate of his parent or guardian granting the
applicant permission to apply for a card;

(vi) is an alien;

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

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

(ix) has been discharged from the Armed Forces of the United States under dishonorable
conditions;

(x) is a fugitive from justice; or

(xi) having been a citizen of the United States, has renounced his or her citizenship.
(1½) Notwithstanding paragraph (1) to the contrary, the licensing authority may deny the application or renewal of a firearm identification card, or suspend or revoke a card issued under this section, if in the reasonable exercise of discretion, the licensing authority determines that the applicant or card holder is unsuitable to be issued or to continue to hold a firearm identification card. A determination of unsuitability shall be based on: (i) reliable and credible information that the applicant or card holder has exhibited or engaged in behavior that suggests the applicant or card holder could potentially create a risk to public safety if issued a card; or (ii) existing factors that suggest that the applicant or card holder could potentially create a risk to public safety if issued a card. Upon denying an application or renewal of a card based on a determination of unsuitability, the licensing authority shall notify the applicant in a writing setting forth the specific reasons for such determination as set forth in paragraph (3). Upon revoking or suspending a card based on a determination of unsuitability, the licensing authority shall notify the holder of a license in a writing setting forth the specific reasons for such determination as set forth in paragraph (4). The determination of unsuitability shall be subject to judicial review as set forth in paragraph (5).

SECTION 22. Paragraph (2) of said section 129B of said chapter 140, as so appearing, is hereby amended by adding the following 2 sentences:- The licensing authority shall provide to the applicant a receipt indicating that it received the applicant’s application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail, or immediately if the application was made in person; provided, however, that the receipt shall include the applicant’s name, the applicant’s address, the applicant’s current firearm identification card number, if any, the applicant’s current card expiration date, if any, the date when the application was received by the licensing authority, the name of the licensing authority and its agent that received the application, the licensing authority’s address and telephone number, the type of application, and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for no less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

SECTION 23. Said section 129B of said chapter 140, as so appearing, is hereby amended by striking out paragraph (6) and inserting in place thereof the following paragraph:-

(6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large capacity firearm or large capacity feeding device therefor, except under a license issued to a shooting club as provided under section 131 or under the direct supervision of a holder of a license issued to an individual under said section 131 at an incorporated shooting club or licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or large capacity feeding device therefor, except under a license issued to a shooting club as provided under said section 131 or under the direct supervision of a holder of a license issued to an individual under said section 131 at an incorporated shooting club or licensed shooting range. A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that
is, or in such manner that is, otherwise prohibited by law. A firearm identification card shall be valid for the purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined in section 121.

SECTION 24. Paragraph (7) of said section 129B of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A firearm identification card shall be in a standard form provided by the commissioner of the department of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain an identification number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the cardholder and shall be marked “Firearm Identification Card” and shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline.

SECTION 25. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out paragraph (9) and inserting in place thereof the following paragraph:-

(9) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue, except that if the cardholder applied for renewal before the card expired, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the cardholder is on active duty with the armed forces of the United States on the expiration date of his card, the card shall remain valid until the cardholder is released from active duty and for a period not less than 180 days following such release, except that if the cardholder applied for renewal prior to the end of such period, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of criminal justice information services shall send electronically or by first class mail to the holder of a firearm identification card, a notice of the expiration of the card not less than 90 days before its expiration, and shall enclose with the notice a form for the renewal of the card. The form for renewal shall include an affidavit whereby the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant’s possession since the date of the applicant’s last renewal or issuance. The commissioner of criminal justice information services shall include in the notice all pertinent information about the penalties that may be imposed if the firearm identification card is not renewed. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the...
purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in section 10 of chapter 66.

SECTION 26. Said chapter 140 is hereby further amended by striking out section 130, as so appearing, and inserting in place thereof the following 2 sections:-

Section 130. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18 years of age or older who does not hold a permit card issued to him pursuant to section 131H or, except as provided in this section or section 131E, whoever sells or furnishes any alien or any person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun or ammunition therefor shall have his license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of correction for not more than 2 and 1/2 years, or by both such fine and imprisonment.

SECTION 27. Said section 129B of said chapter 140, as so appearing is hereby further amended by striking out in lines, 195, 218, 219 and 224, the word “clause” and inserting in place thereof, in each instance, the following word:- paragraph.

SECTION 28. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 245 to 248, inclusive, the words “meaning after 90 days beyond the stated expiration date on the card, but who shall not be disqualified from renewal upon application therefor under this section, shall be subject to a civil fine of not less than $500” and inserting in place thereof the following words:- not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than $100.

SECTION 29. The third paragraph of section 129C of said chapter 140, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun or the recovery of any firearm, rifle, shotgun or machine gun, previously reported lost or stolen, to both the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides shall be punished by a fine of not less than $500 nor more than $1,000 for a first offense, by a fine of not less than $2,500 nor more
than $7,500 for a second offense and by a fine of not less than $7,500 nor more than $10,000 or
imprisonment for not less than 1 year nor more than 5 years, or by both such fines and
imprisonments, for a third or subsequent offense. Failure to so report shall be cause for
suspension or permanent revocation of such person's firearm identification card or license to
carry firearms, or both.

SECTION 30. Said section 129C of said chapter 140, as so appearing, is hereby further
amended by striking out the seventh paragraph and inserting in place thereof the following
paragraph:-

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

SECTION 31. Section 131 of said chapter 140, as so appearing, is hereby amended by
striking out, in lines 1 to 3, inclusive, the words “All licenses to carry firearms shall be
designated Class A or Class B, and the issuance and possession of any such license shall be
subject to the following conditions and restrictions” and inserting in place thereof the following
words:- The issuance and possession of a license to carry firearms shall be subject to the
following conditions and restrictions.

SECTION 32. Said section 131 of said chapter 140, as so appearing, is hereby further
amended by striking out paragraphs (a) to (c), inclusive, and inserting in place thereof the
following 3 paragraphs:-

(a) A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and
carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition
therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or
 carrying of firearms as the licensing authority deems proper; and (ii) rifles and shotguns,
 including large capacity weapons, and feeding devices and ammunition therefor, for all lawful
 purposes; provided, however, that the licensing authority may impose such restrictions relative to
 the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A
 violation of a restriction imposed by the licensing authority under the provisions of this
 paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be
 punished by a fine of not less than $1,000 nor more than $10,000; provided, however, that the
 provisions of section 10 of chapter 269 shall not apply to such violation.

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

No large capacity weapon or large capacity feeding device shall be removed from the premises except for the purposes of: (i) transferring such firearm or feeding device to a licensed dealer; (ii) transporting such firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shooting on the premises of another club incorporated under the laws of the commonwealth and for transporting thereto; (iv) attending an exhibition or educational project or event that is sponsored by, conducted under the supervision of or approved by a public law enforcement agency or a nationally or state recognized entity that promotes proficiency in or education about semiautomatic weapons and for transporting thereto; (v) hunting in accordance with the provisions of chapter 131; or (vi) surrendering such firearm or feeding device under the provisions of section 129D. Any large capacity weapon or large capacity feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured in a locked container, and shall be unloaded during any lawful transport. The clerk or other corporate officer of such club shall annually file a report with the colonel of state police and the commissioner of the department of criminal justice information services listing all large capacity weapons and large capacity feeding devices owned or possessed under such license. The colonel of state police or a designee, shall have the right to inspect all firearms owned or possessed by such club upon request during regular business hours and said colonel may revoke or suspend a club license for a violation of any provision of this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.

(c) A license shall be valid for the purpose of owning, possessing, purchasing and transferring non-large capacity rifles and shotguns, and for purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, consistent with the entitlements conferred by a firearm identification card issued under section 129B.

SECTION 33. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

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

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of:

(a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33);

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33);

(iii) is or has been: (a) except in the case of a commitment pursuant to section 35 or 36C of chapter 123, confined to any hospital or institution for mental illness, alcohol or substance abuse, unless after 5 years from the date of the confinement, the applicant submits with his or her application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness, alcohol or substance abuse and that in such physician's opinion the applicant is not disabled by such a mental illness, alcohol or substance abuse in a manner that should prevent the applicant from possessing a firearm, rifle or shotgun; (b) committed by an order of a court to any hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court’s order pursuant to section 36C of chapter 123 and submits a copy of the order for relief with his or her application; (c) subject to an order of the probate court appointing a guardian or conservator for an incapacitated person on the grounds that that applicant lacks the mental capacity to contract or manage his or her own affairs, unless the applicant was granted a petition for relief pursuant to section 56C of chapter 215 and submits a copy of the order for relief with his or her application; or (d) found to be a substance abuser or alcoholic and
committed pursuant to section 35 of said chapter 123, unless the applicant was granted a petition
for relief of the court’s order pursuant to said section 35 and submits a copy of the order for
relief with his or her application;

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

(v) is an alien;

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

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

(viii) has been discharged from the Armed Forces of the United States under
dishonorable conditions;

(ix) is a fugitive from justice; or

(x) having been a citizen of the United States, has renounced his or her citizenship.

The licensing authority may deny the application or renewal of a license to carry, or
suspend or revoke a license issued under this section, if in the reasonable exercise of discretion,
the licensing authority determines that the applicant or licensee is unsuitable to be issued or to
continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable
and credible information that the applicant or licensee has exhibited or engaged in behavior that
suggests the applicant or licensee could potentially create a risk to public safety if issued a
license; or (ii) existing factors that suggest that the applicant or licensee could potentially create
a risk to public safety if issued a license. Upon denying an application or renewal of a license
based on a determination of unsuitability, the licensing authority shall notify the applicant in a
writing setting forth the specific reasons for such determination as set forth in paragraph (e).
Upon revoking or suspending a license based on a determination of unsuitability, the licensing
authority shall notify the holder of a license in a writing setting forth the specific reasons for
such determination as set forth in paragraph (f). The determination of unsuitability shall be
subject to judicial review as set forth in paragraph (f).

SECTION 34. Paragraph (d) of said section 131 of said chapter 140, as amended by
section 32, is hereby further amended by striking out the first sentence and inserting in place
thereof the following sentence:- Any person residing or having a place of business within the
jurisdiction of the licensing authority or any law enforcement officer employed by the licensing
authority or any person residing in an area of exclusive federal jurisdiction located within a city
or town may submit to such licensing authority or the colonel of state police, an application for a
license to carry firearms, or renewal of the same, which such licensing authority or said colonel
may issue if it appears that the applicant is not a prohibited person as hereinafter set forth to be
issued such license, and that the applicant has good reason to fear injury to the applicant’s person
or property, or for any other reason, including the carrying of firearms for use in sport or target
practice only, subject to such restrictions expressed or authorized under this section.

SECTION 35. Paragraph (e) of said section 131 of said chapter 140, as appearing in the
2012 Official Edition, is hereby amended by adding the following paragraph:-

The licensing authority shall provide to the applicant a receipt indicating that it received
the applicant’s application. The receipt shall be provided to the applicant within 7 days by mail if
the application was received by mail, or immediately if the application was made in person;
provided further, that the receipt shall include the applicants’ name, the applicant’s address, the
applicant’s current license number, if any, the applicant’s current license expiration date if any,
the date when the application was received by the licensing authority, the name of the licensing
authority and its agent that received the application, the licensing authority’s address and
telephone number, the type of application, and whether it is an application for a new license or
for renewal of an existing license; provided further, that a copy of the receipt shall be kept by the
licensing authority for no less than 1 year and a copy shall be furnished to the applicant if
requested by said applicant.

SECTION 36. Paragraph (f) of said section 131 of said chapter 140, as so appearing, is
hereby amended by striking out the second paragraph and inserting in place thereof the following
paragraph:-

Any applicant or holder aggrieved by a denial, revocation, suspension or any restriction
placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may,
within either 90 days after receiving notice of such denial, revocation or suspension or within 90
days after the expiration of the time limit during which the licensing authority is required to
respond to the applicant or, in the case of a restriction, anytime after a restriction is placed on a
license pursuant to this section, file a petition to obtain judicial review in the district court having
jurisdiction in the city or town wherein the applicant filed for, or was issued, such license. A
justice of such court, after a hearing, may direct that a license be issued or reinstated to the
petitioner or may order the licensing authority to remove certain restrictions placed on the
license, if such justice finds that there was no reasonable ground for denying, suspending,
revoking or restricting such license and that the petitioner is not prohibited by law from
possessing a license.

SECTION 37. Paragraph (g) of said section 131 of said chapter 140, as so appearing, is
hereby amended by striking out the first and second sentences and inserting in place thereof the
following 2 sentences:- A license shall be in a standard form provided by the commissioner of
criminal justice information services in a size and shape equivalent to that of a license to operate
motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a license number which shall clearly indicate the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. Such license shall be clearly marked “License to Carry Firearms”.

SECTION 38. Said paragraph (g) of said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- Such license shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline.

SECTION 39. Paragraph (i) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue, except that if the licensee applied for renewal before the license expired, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the licensee is on active duty with the armed forces of the United States on the expiration date of his license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following such release, except that if the licensee applied for renewal prior to the end of such period, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied; and provided further, an application for renewal of a Class B license filed before the license is expired shall not extend the license beyond the stated expiration date and such Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue.

SECTION 40. Said paragraph (i) of said section 131 of said chapter 140 is hereby further amended by striking out the first sentence, as amended by section 38, and inserting in place thereof the following sentence:- A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue, except that if the licensee applied for renewal before the license expired, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the licensee is on active duty with the armed forces of the United States on the expiration date of his license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following such release, except that if the licensee applied for renewal prior to the end of such period, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied; and provided further, an application for renewal of a Class B license filed before the license is expired shall not extend the license beyond the stated expiration date and such Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue.
period, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied.

SECTION 41. Paragraph (l) of said section 131 of said chapter 140, as appearing in the 2012 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The form for renewal shall include an affidavit whereby the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant’s possession since the date of the applicant’s last renewal or issuance.

SECTION 42. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 317 to 320, inclusive, the words “meaning after 90 days beyond the stated expiration date on the license, but who shall not be disqualified from renewal upon application therefor under this section, shall be subject to a civil fine of not less than $500” and inserting in place thereof the following words:- not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than $100.

SECTION 43. Section 131¾ of said chapter 140, as so appearing, is hereby amended by inserting after the figure “131½, in line 3, the words:- and in consultation with the attorney general.

SECTION 44. Said section 131¾ of said chapter 140, as so appearing, is hereby further amended by inserting after the word “board”, in line 14, the words:- or the attorney general.

SECTION 45. Said chapter 140 is hereby further amended by striking out section 131C, as so appearing, and inserting in place thereof the following section:-

Section 131C. (a) No person carrying a loaded firearm under a license issued pursuant to section 131 or 131F shall carry the same in a vehicle unless the firearm while carried therein is under the direct control of such person. Whoever violates the provisions of this subsection shall be punished by a fine of $500.

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

(c) The provisions of this section shall not apply to: (i) any officer, agent or employee of the commonwealth or any state or the United States; (ii) any member of the military or other service of any state or of the United States; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such
person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry
or possess the weapon so carried or possessed and is acting within the scope of his or her duties.

(d) A conviction of a violation of this section shall be reported forthwith by the court or
magistrate to the licensing authority who shall immediately revoke the card or license of the
person so convicted. No new such card or license may be issued to any such person until 1 year
after the date of revocation.

SECTION 46. Said chapter 140 is hereby further amended by striking out section 131E,
as so appearing, and inserting in place thereof the following section:-

Section 131E. Any resident of the commonwealth may purchase firearms, rifles, shotguns
and ammunition feeding devices from any dealer licensed pursuant to section 122, or from such
person as shall be qualified pursuant to section 128A, or ammunition from a licensee under
section 122B, subject to the following conditions and restrictions:

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

(b) firearms and feeding devices therefor, including large capacity firearms and large
capacity feeding devices therefor, may be so purchased only upon presentment of: (i) a valid
license to carry firearms issued pursuant to section 131; (ii) a valid firearm identification card
issued pursuant to section 129B; or (iii) valid proof of exempt status under section 129C;
provided, however, that neither a firearm identification card issued pursuant to section 129B, nor
proof of exempt status under section 129C, shall be valid for the purpose of purchasing any
firearm or ammunition feeding device therefor, including large capacity firearms and large
capacity feeding devices therefor, without being presented together with a valid and proper
permit to purchase issued under section 131A; and provided, further, that an alien permit to
possess a rifle or shotgun shall not be valid for the purpose of purchasing firearms or ammunition
or ammunition feeding devices therefor; and provided, further, that no firearm or ammunition or
ammunition feeding device therefor shall be sold to any person less than 21 years of age. Any
person who uses a license to carry firearms or firearm identification card for the purpose of
purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to
an unlicensed person, shall be punished by a fine of not less than $1,000 nor more than $50,000
dollars, or by imprisonment for not less than 2 one-half years nor more than 10 years in a state
prison, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card pursuant to section 129B or section 131 shall be issued to any such person within 2 years after the date of said revocation.

SECTION 47. Section 131F of said chapter 140, as so appearing, is hereby amended by striking out, in line 1, the words “Class A or Class B”.

SECTION 48. The first paragraph of said section 131F of said chapter 140, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (e) a violation of any law regulating the use, possession or sale of controlled substances as defined in section 1 of chapter 94C; or (f) a misdemeanor crime of domestic violence as that term is defined in 18 U.S.C. section 921(a)(33).

SECTION 49. Said section 131F of said chapter 140, as so appearing is hereby further amended by striking out, in lines 36 to 38, inclusive, the words “or (v) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction” and inserting in place thereof the following words:-

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

(vi) has been discharged from the Armed Forces of the United States under dishonorable conditions;

(vii) is a fugitive from justice;

(viii) having been a citizen of the United States, has renounced his or her citizenship;

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

(x) not being a citizen or national of the United States, has been admitted to the United States under a nonimmigrant visa, as that term is defined in 8 U.S.C. section 1101(a)(26), unless the person is admitted to the United States for lawful hunting or sporting purposes or is in
possession of a hunting license or permit lawfully issued in the United States or another

SECTION 50. The fourth paragraph of said section 131F of said chapter 140, as so
appearing, is hereby amended by striking out the first and second sentences and inserting in place
thereof the following 3 sentences:- A temporary license issued pursuant to this section shall be
clearly marked “Temporary License to Carry Firearms” and shall not be used to purchase
firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large
capacity feeding device therefor may be carried if the person has been issued a license. The
colonel may permit a licensee to possess large capacity rifles or shotguns or both, provided that
such entitlement shall be clearly indicated on the license.

SECTION 51. Section 131L of said chapter 140, as so appearing is hereby amended by
striking out subsections (b) to (d), inclusive, and inserting in place thereof the following 3
subsections:-

(b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun
that is not a large capacity weapon, by a fine of not less than $1000 nor more than $7,500 or by
imprisonment for not more than 1 and one-half years, or by both fine and imprisonment, and in
the case of a large capacity weapon or machine gun, by a fine of not less than $2,000 nor more
than $15,000 or by imprisonment for not less than 1 and one-half years nor more than 12 years,
or by both fine and imprisonment.

(c) A violation of this section shall be punished, in the case of a rifle or shotgun that is
not a large capacity weapon and such weapon was stored or kept in a place where a person under
the age of 18 who does not possess a valid firearm identification card issued under section 129B
may have access without committing an unforeseeable trespass, by a fine of not less than $2,500
nor more than $15,000 or by imprisonment for not less than 1 and one-half years nor more than
12 years, or by both fine and imprisonment.

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

SECTION 52. Section 131P of said chapter 140, as so appearing, is hereby amended by
striking out, in lines 2 and 66, the words “Class A or Class B”.

SECTION 53. Section 131P of said chapter 140, as so appearing, is hereby further
amended by adding the following subsection:-
The colonel of the state police shall produce and distribute public service announcements throughout the commonwealth for the purpose of encouraging and educating the general public on:

(i) the safe storage and transportation of weapons as required under sections 131C and 131L;

(ii) the importance of firearm safety education and training, including information on places and classes that people may attend to obtain firearm safety education and training.

SECTION 54. Said chapter 140 is hereby further amended by inserting after section 131P the following section:-

Section 131Q. Any firearm, rifle or shotgun, large capacity weapon, machine gun or assault weapon used to carry out a criminal act shall be traced by the licensing authority for the city or town in which the crime took place. The licensing authority shall report to the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police, including but not limited to, the following data:

(i) the make, model, serial number and caliber of the weapon used;

(ii) the type of crime committed;

(iii) whether an arrest or conviction is made;

(iv) any fingerprint evidence found on the firearm;

(v) any ballistic evidence that can be retrieved from the crime scene;

(vi) if the criminal use of the firearm was related to known gang activity;

(vii) whether the weapon was obtained illegally;

(viii) the source from where the weapon was obtained;

(ix) whether the weapon was lost or stolen; and

(x) whether the person using the weapon was otherwise a prohibited person.

From these data, the colonel of state police shall produce an annual report on or before December 31 of each year on crimes committed in the commonwealth using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons and shall submit a copy of such report to the joint committee on public safety and homeland security, and upon request, to criminology, public policy and public health researchers and other law enforcement agencies.
SECTION 55. Section 3C of chapter 209A of the General Laws, as appearing in the 2012
Official Edition, is hereby amended by striking out, in lines 4 and 5 and line 9, the words “,
including a Class A or Class B license,”.

SECTION 56. Said chapter 209A is hereby further amended by inserting after section 3C
the following section:-

3D. Upon an order for suspension or surrender issued pursuant to section 3B or 3C, the court shall transmit a report containing the defendant’s name and identifying information and a statement specifying and describing the defendant’s alleged conduct and relationship to the plaintiff, to the department of criminal justice information services. Upon the expiration, cancelation or revocation of such an order, the court shall transmit a report containing the defendant’s name and identifying information, a statement specifying and describing the defendant’s alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid, to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general to be included in the National Instant Criminal Background Check System.

SECTION 57. Chapter 215 of the General Laws is hereby amended by inserting after section 56B the following section:-

56C. (a) Notwithstanding any general or special law or court order, including an order of impoundment, to the contrary, the administrative office of the trial court shall transmit any order of the probate court appointing a guardian or conservator for an incapacitated person under Part 3 or Part 4 of Article V of chapter 190B on the ground that the person lacks mental capacity to contract or manage his or her own affairs, and any subsequent order terminating or rescinding such appointment, to the department of criminal justice information services for the purposes of providing: (i) licensing authorities as defined under section 121 of chapter 140 with information required or permitted to be considered under state and federal law for the purpose of conducting background checks for firearm sales or licensing; and (ii) the Attorney General of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained for the purpose of conducting background checks for firearms sales or licensing. The department of criminal justice information services shall transmit no more information than is necessary for the purpose stated above, and such information shall not be considered a public record under section 7 of chapter 4 and section 10 of chapter 66.

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

SECTION 58. Chapter 265 of the General Laws is hereby amended by inserting after
section 13M the following section:-

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

SECTION 59. Section 21A of said chapter 265, as appearing in the 2012 Official Edition,
is hereby amended by striking out the last sentence and inserting in place thereof the following
sentence:- Whoever commits any offense described in this section while being armed with a
firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the
state prison for not less than 7 years.

SECTION 60. Section 17 of chapter 266 of the General Laws, as so appearing, is hereby
amended by striking out the last sentence and inserting in place thereof the following sentence:-
Whoever commits any offense described in this section while armed with a firearm, rifle,
shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison
for not less than 7 years or in the house of correction for not less than 2 years nor more than 2
and one-half years.

SECTION 61. Section 18 of said chapter 266, as so appearing, is hereby amended by
striking out the last sentence and inserting in place thereof the following sentence:- Whoever
commits any offense described in this section while armed with a firearm, rifle, shotgun,
machine gun or assault weapon shall be punished by imprisonment in the state prison for not less
SECTION 62. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

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

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

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than $500.

SECTION 63. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 188, the following words “Class A or Class B”.

SECTION 64. Said chapter 269 is hereby further amended by inserting after section 10H the following section:-

Section 10I. (a) Whoever unlawfully transports firearms into the commonwealth to use said firearm for the commission of criminal activity shall be punished by a term of imprisonment of not less than 5 years nor more than 10 years in the state prison.

(b) Whoever unlawfully transports firearms into the commonwealth to unlawfully distribute, sell, or transfer possession of any quantity of firearms to a prohibited person shall be punished by a term of imprisonment of not less than 10 years nor more than 20 years in the state prison.

(c) Whoever unlawfully transports a firearm into the commonwealth to unlawfully distribute, sell, or transfer it to a prohibited person, and if such firearm is subsequently used to cause the death of another, shall be punished by a term of not less than 20 years in the state prison.
SECTION 65. (a) For purposes of this section, the following terms shall have the following meanings:—

“Adjudicated as a mental defective”, a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (i) is a danger to himself or to others; or (ii) lacks the mental capacity to contract or manage his or her own affairs. The term shall include: (i) a finding of insanity by a court in a criminal case; (ii) a finding that a person is incompetent to stand trial; (iii) a finding of not guilty by reason of lack of mental responsibility pursuant to article 50a of the Uniform Code of Military Justice, codified as 10 U.S.C. section 850a; or (iv) a finding of not guilty by reason lack of mental capacity or mental responsibility pursuant to article 76b of the Uniform Code of Military Justice, codified as 10 U.S.C. section 876b.

“Committed to a mental institution”, a formal commitment of a person to a mental institution by a court, board, commission or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

(b) Notwithstanding section 36 of chapter 123 of the General Laws, for the purpose of providing licensing authorities as defined in section 121 of chapter 140 of the General Laws with information required or permitted to be considered pursuant to state law for the purpose of conducting background checks for firearms sales or licensing and providing the Attorney General of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained for the purpose of conducting background checks for firearms sales or licensing the department of mental health shall, within 180 days of the effective date of this section, transmit to the department of criminal justice information services sufficient information to identify all persons known to the department of mental health to have been, within 20 years preceding the effective date of this section: (i) committed to a mental institution, including a commitment for mental illness pursuant to section 7, 8, 15 or 18 or subsections (b) and (c) of section 16 of chapter 123 of the General Laws or a commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123; or (ii) adjudicated as a mental defective.

(c) The department of criminal justice information services shall provide no more information than is necessary for the purpose of subsection (b) and such information shall not be considered a public record under section 7 of chapter 4 of the General Laws.

SECTION 66. Notwithstanding any general or special law to the contrary, a person licensed pursuant to section 122 of chapter 140 of the General Laws shall, within 180 days of the effective date of this section, obtain from the department of criminal justice information
services all available criminal offender record information, as that term is defined in section 67
of chapter 6 of the General Laws and authorized pursuant to clause (31) of subsection (a) of
section 172 of said chapter 6, for current employees to determine the continued suitability of
employees who may have direct and unmonitored contact with firearms, shotguns or rifles.

SECTION 67. There shall be a special commission established pursuant to section 2A of
chapter 4 of the General Laws to consist of: 2 members of the house of representatives, 1 of
whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be
appointed by the minority leader; the secretary of education, who shall serve as chairperson; the
commissioner of elementary and secondary education, or a designee; the commissioner of early
education and care, or a designee; the secretary of the executive office of public safety and
security, or a designee; and 5 persons to be appointed by the governor, 1 of whom shall be a
superintendent of a public school district in the commonwealth, 1 of whom shall be the principal
of a public school in the commonwealth, 1 of whom shall be a school resource officer of a public
school within the commonwealth and 2 of whom shall be parents a child attending a public
school in the commonwealth for the purpose of making an investigation and study relative to the
protocols, methods and practices included in and used in the development of: (i) medical
evacuation plans under section 8A of chapter 69 of the General Laws; and (ii) multi-
emergency response plans under section 363 of chapter 159 of the acts of 2000. The committee
shall study and assess the effect a medical emergency response plan and a multi-hazard
plan would have in the event of school shooting. The commission shall study and
determine common protocols, methods and practices included in and used by districts in the
development of medical emergency response plans and multi-hazard evacuation plans and make
recommendations relative to the development of standardized protocols and methods and best
practices for school districts to consider or satisfy in the adoption of each plan. The commission
shall study the efficacy of legislation requiring all districts to implement standardized protocols,
methods and practices, including those based on the model medical emergency response plan
developed by the department of elementary and secondary education pursuant to subsection (c)
of said section 8A of said chapter 69. The committee shall make any recommendations for the
development of a process for review and annual assessment to ensure each school district’s
medical emergency response plan complies with said section 8A of said chapter 69 of the
General Laws and each school district’s multi-hazard evacuation plan complies with section 363
of chapter 159 of the acts of 2000.

Notwithstanding said section 2A of said chapter 4, the commission shall report the results
of its investigation and study, together with drafts of legislation, if any, necessary to carry its
recommendations into effect, by filing the report with the clerks of the house of representatives
and senate on or before July 31, 2015.

SECTION 68. There shall be a special commission established pursuant to section 2A of
chapter 4 of the General Laws to consist of: 2 members of the house of representatives, 1 of
whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be
appointed by the minority leader; the commissioner of elementary and secondary education, who shall serve as chairperson; the commissioner of early education and care or a designee; the commissioner of mental health or a designee; the commissioner of developmental services or a designee; the commissioner of public health or a designee; the commissioner of children and families or a designee; the commissioner of transitional assistance or a designee; the commissioner of youth services or a designee; the child advocate or a designee; and 2 persons to be appointed by the governor. The commission shall study and report on mental, emotional and behavioral health in public schools. The commission shall research and assess current health services provided in public schools throughout the commonwealth to treat students with emotional, mental and behavioral health needs. The commission shall develop recommendations for improving, supplementing and bolstering current mental health services and practices to achieve the optimal, safe learning environment for students throughout the commonwealth.

Notwithstanding said section 2A of said chapter 4, the commission shall report the results of its study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the report with the clerks of the house of representatives and senate on or before July 31, 2015.

SECTION 69. There is hereby established a task force to consist of: the secretary of the executive office of public safety and security or a designee; the commissioner of public health or a designee; 1 person selected by the Gun Owners’ Action League, Inc.; 1 person selected by the Massachusetts Chiefs of Police Association; 1 person selected by the committee for public counsel services; 1 person selected by the National Alliance on Mental Illness of Massachusetts, Inc.; and 1 person appointed by the Massachusetts District Attorneys Association.

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

The task force shall be provided with quarters in the state house or elsewhere and may: (i) expend for expenses and for expert, legal, clerical and other assistance such sums as may be appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or executive meetings of the task force shall be open to the public unless a majority of the members of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk of either branch, and the notice or a copy thereof shall be publicly posted in the office of such clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.
The task force shall report the results of its study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the report with the clerks of the house of representatives and senate on or before July 31, 2015. The clerks of the house of representatives and senate shall forward the report to the chairs of the joint committee on public safety and the chairs of the joint committee on mental health and substance abuse.

SECTION 70. Notwithstanding any general or special law to the contrary, a licensing authority, as that term is defined in section 121 of chapter 140 of the General Laws, or the colonel of the state police appointed pursuant to section 3 of chapter 22C of the General Laws, shall not issue, or renew or accept application for a Class B license to carry pursuant to section 131 or 131F of said chapter 140 as of the effective date of this section; provided, however, that any Class B license issued pursuant to said section 131 or 131F of said chapter 140 prior to the effective date of this section shall remain in effect, subject to any restrictions or conditions set forth in any general or special law, until the date on which said Class B license is set to expire or July 31, 2020, whichever occurs first; and provided further, any application for renewal of a Class B license pursuant to said section 131 of said chapter 140 filed after the effective date of this section shall not extend the license beyond the stated expiration date pursuant to said section 131 of said chapter 140 and such Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the date of issue or January 1, 2021 whichever occurs first.

SECTION 71. An application for a firearm identification card, or renewal thereof, submitted pursuant to section 129B of chapter 140 of the General Laws or a license to carry, or renewal thereof, submitted pursuant to section 131 of said chapter 140 with a licensing authority, as that term is defined in section 121 of said chapter 140, or the colonel of state police appointed pursuant to section 3 of chapter 22C of the General Laws, on or before the effective date of this section, that is not approved or denied on or before January 1, 2015 shall be invalid; provided, however, an applicant who submitted an application invalidated pursuant to this section shall not be charged a fee for submitting a new application or renewal pursuant to said section 129B of said chapter 140 or said section 131 of said chapter 140 on or before January 1, 2016. The executive office of public safety and security shall provide, either by mail or electronic means, written proof that such applicant submitted an application invalidated by this section and may promulgate rules and regulations necessary to carry out this section.

SECTION 72. The department of public health shall direct the division on violence and injury prevention to develop a program of instruction on harm reduction, which shall be included in the curriculum of hunter education courses as provided in section 14 of chapter 131 of the General Laws. The program shall be developed on or before November 14, 2014.

The purpose of the program shall be to promote suicide prevention through safe practices by firearms owners. The program shall include, but shall not be limited to, information on the following: (i) the prevalence of firearms suicide as compared to other forms of firearms violence,
including demographic trends; (ii) the risks of injury and suicide that may be associated with
household firearms, to include the rate of survival for suicide attempts by firearm; (iii) best
practices for identifying and reducing the risk of suicide involving household firearms; (iv)
available resources to learn more about safe practices and suicide prevention; and (v) additional
information determined by the commissioner to be relevant to the purpose of the program.

The department shall further direct the division to develop a notice providing information
on suicide prevention, which shall be posted and distributed in accordance with clause the
fourteenth of section 123 of chapter 140 of the General Laws. Such notice shall be developed on
or before December 3, 2014 and shall include, but not be limited to, the following: information
on signs and symptoms of depression, the state and federal suicide prevention hotlines and
resources for an individual at risk of suicide.

SECTION 73. Subsections (b) to (f), inclusive, of section 1P of chapter 69 of the General
Laws shall take effect on June 30, 2016.

SECTION 74. The department of elementary and secondary education shall begin
providing technical assistance required under subsection (g) of section 1P of chapter 69 of the
General Laws on or before September 1, 2014.

SECTION 75. The safe and supportive schools commission established under subsection
(h) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not more than
90 days after the effective date of this act.

SECTION 76. On or before December 3, 2014, the department of elementary and
secondary education shall adopt rules and regulations pursuant to section 95 of chapter 71 of the
General Laws, added by section 7, requiring that all public school districts provide suicide
awareness and prevention training. School personnel hired after the effective date of this section
but before December 3, 2014 shall obtain the training on or before March 4, 2015.

SECTION 78. Sections 1, 3, 4, 6, 8, 10, 11, 12, 13, 14, 17, 18, 21, 22, 24, 25, 26, 28, 29,
33, 35, 36, 38, 39, 41, 42, 43, 44, 48, 49, 51, 53, 54, 56, 57, 58, 59, 60, 61, 62 and 64 shall take
effect January 1, 2015.

SECTION 79. Sections 15, 16, 23, 30, 31, 32, 34, 37, 40, 45, 46, 47, 50, 52, 55 and 63
shall take effect January 1, 2021.
SECTION 80: Section 10E of Chapter 269 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the following:

Section 10E. Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a twelve month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns, or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, or any combination thereof is:

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

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

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

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

A person convicted of violating any provision of this section shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release, or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of corrections may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and
seventy-six shall not apply to any person, seventeen years of age or over, charged with a
violation of said sections, or to any child between the age of fourteen and seventeen, so charged,
if the court is of the opinion that the interests of the public require that he shall be tried for such
offense instead of being dealt with as a child.

SECTION 81. Section 22 of Chapter 32A of the General Laws is hereby amended by
striking out the last paragraph, inserted by section 1 of chapter 80 of the acts of 2000, and
inserting in place thereof the following paragraph:—

For the purposes of this section, “licensed mental health professional” shall mean a
licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
practice for such educational psychologist.

SECTION 82. Section 47B of Chapter 175 of the General Laws is hereby amended by
striking out the next to the last paragraph, inserted by section 2 of chapter 80 of the acts of 2000,
and inserting in place thereof the following paragraph:—

For the purposes of this section, “licensed mental health professional” shall mean a
licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
practice for such educational psychologist.

SECTION 83. Section A of Chapter 176A of the General Laws is hereby amended by
striking out the next to the last paragraph, inserted by section 4 of chapter 80 of the acts of 2000,
and inserting in place thereof the following paragraph:—

For the purposes of this section, “licensed mental health professional” shall mean a
licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
practice for such educational psychologist.

SECTION 84. Section 4A of Chapter 176B of the General Laws is hereby amended by
striking out the next to the last paragraph, inserted by section 6 of chapter 80 of the acts of 2000,
and inserting in place thereof the following paragraph:—

For the purposes of this section, “licensed mental health professional” shall mean a
licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a
licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse
mental health clinical specialist, or a licensed educational psychologist within the lawful scope of
practice for such educational psychologist.
mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION 85. Section 4M of Chapter 176G of the General Laws is hereby amended by striking out the next to the last paragraph, inserted by section 10 of chapter 80 to the acts of 2000, and inserting in place thereof the following paragraph:—

For the purposes of this section, “licensed mental health professional” shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION 86. This act shall apply to all policies, contracts, agreements, plans and certificates of insurance issued or delivered within or without the commonwealth on or after March 1, 2006, and to all policies, contracts, agreements, plans and certificates of insurance in effect before that date upon renewal or after March 1, 2006.