

# The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

## BILL FILING TEMPLATE

*Be It Enacted, by the Senate and House of Representatives, etc., as follows:*

### SECTION 1.

8000-0110 For the creation and maintenance of an electronic database system to be made available to every licensed dealer for the purpose of recording firearm sales, rentals and leases in the Commonwealth..... \$2,000,000

SECTION 2. Section 123 of Chapter 140 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the third and fourth sentences and inserting in place thereof the following:-

“Second, that person who is engaged in the business of selling, renting or leasing firearms, rifles or shotguns shall, at the time of delivery of a firearm, record a true, accurate entry in a statewide electronic database to be furnished by the executive director of the criminal history systems board and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, and designation as a large capacity weapon, if applicable, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the name, the sex, residence and occupation of the purchaser, renter or lessee. Said person shall also record the sale of all ammunition in the same manner. In addition, said purchaser, renter or lessee shall before delivery, as aforesaid, personally record his electronic signature as having received said

firearm. Said person engaged in the business of selling, renting and leasing firearms shall verify the purchaser's information and ability to possess a firearm in the electronic database prior to completing any such sale, rental or lease. Said electronic record shall be open at all times to the inspection of the local or state police departments."

SECTION 3. Section 123 of Chapter 140, as so appearing, is hereby amended by inserting in Clause Eighth after the words "Eighth, that no firearm" the following:- "or ammunition for such firearm"; and by inserting after the words "rifle or shotgun" the following:- "or ammunition for such firearm"; by inserting after the words "that no large capacity firearm nor large capacity feeding device" the following:- "or ammunition"; and by inserting after the words "no machine gun" the following:- "or ammunition for such firearm".

SECTION 4. Section 123 of Chapter 140, as so appearing, is hereby amended by adding at the end of the fifth paragraph the following:-

"Under no circumstances shall a sale or transfer of such firearms, rifles, shotguns, machine guns or ammunition occur outside the physical building of said collectors club or gun show that would not meet the conditions for sale or transfer as set forth in the above-mentioned sections."

SECTION 5. Section 121 of Chapter 140, as so appearing, is hereby amended by inserting after the second paragraph the following new paragraphs:-

“Armor Piercing Ammunition”, shall be defined as: (a) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (b) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes or ammunition designed for target shooting.”

Section 128 of said Chapter is further amended by inserting in the first sentence after the words “shotgun” the following:- “, armor- piercing ammunition”;

and by inserting in the second paragraph after the words “attempted to sell” the following:- “armor-piercing ammunition or”

Section 131 of said Chapter is hereby further amended by inserting in Clause (o) after the words “machine gun” the following:- “or armor-piercing ammunition”;

and by inserting after the words “may issue a machine gun” the following:- “or armor-piercing ammunition”

Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by inserting in the first sentence of clause (c) after the words “machine gun” the following:- “or armor-piercing ammunition”.

SECTION 6. Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by inserting at the end of clause (d) the following:-

“Whoever, after having been convicted of any offense resulting in incarceration of one year or more in the state prison, further commits an offense set forth in paragraph (a), (b) or (c), may be punished by imprisonment in the state prison for not less than three years nor more than five years; for a third such offense, by imprisonment in the state prison for not less than five years nor more than seven years; and for a fourth such offense, by imprisonment in the state prison for not less than seven years nor more than ten years. Said additional sentencing shall be subject to the discretion of the presiding judicial authority.”

SECTION 7. Clause (a) of Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by inserting in clause (a) after the words “loaded or unloaded” the following:- “or ammunition”.

SECTION 8. Chapter 269 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by deleting Section 11E and inserting the following new section:-

Chapter 269: Section 11E. Serial identification numbers on firearms.

Section 11E.

(A) All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered.

No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

(B) All semiautomatic firearms as defined in Chapter 140 Section 21 manufactured or delivered to any licensed dealer within the commonwealth shall be capable of microstamping ammunition.

(C) For purposes of subparagraph (B), a firearm is capable of microstamping ammunition if –

(i) a microscopic array of characters that identify the make, model, and serial number of the of the firearm is etched into the breech face and firing pin of the firearm; and

(ii) when ammunition is fired from the firearm, the characters are copied from the breech face and firing pin onto the cartridge case of the ammunition.

(D) Subparagraph (B) shall apply only to semiautomatic firearms which –

(i) are manufactured, or imported into the Commonwealth on or after the effective date of this subsection; and

(ii) have not been transferred to a person not licensed under Chapter 140 of the general laws.

(D) Whoever violates paragraph (B) shall be fined an amount equal to –

(i) in the case of a first such violation by the violator, \$1,000 multiplied by the number of firearms involved in the violation;

(ii) in the case of a second violation by the violator, \$2,000 multiplied by the number of firearms involved in the violation;

(iii) in the case of a third such violation by the violator, \$3,000 multiplied by the number of firearms involved in the violation.

(E) The effective date of this act shall be January 1, 2009.

SECTION 9. Section 25 of Chapter 279 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “and committed to prison”

Said section is hereby further amended by striking out, in lines 2 and 3, the words “or once in this and once or more in another state, for terms of not less than three years each”.

Said section is hereby further amended by inserting in the first sentence after the word “state”, the following words:- “or in any federal jurisdiction”.