

HOUSE No. 2387

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., and others relative to requiring certain insurance policies for persons with firearm licenses. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Timothy J. Toomey, Jr. Antonio F. D. Cabral
Alice K. Wolf Denise Provost
Carl M. Sciortino, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO FIREARMS IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 131 of Chapter 140 of the General Laws, as
2 appearing in the 1992 Official Edition, is hereby amended by adding
3 the following new paragraph after paragraph three:—
4 No license to carry shall be issued pursuant to this section unless
5 and until the applicant for the license or for the renewal of an
6 existing license presents to the licensing authority a complete list of
7 every handgun owned by the applicant along with a certificate of
8 insurance verifying that the applicant has a valid insurance policy
9 insuring against any harm or damage that might arise out of the use
10 of each weapon on said list. The applicant shall swear under the
11 penalties of perjury that said list is a complete list of all handguns
12 owned by the applicant. The insurance policy shall be in an amount
13 of at least \$250,000 and shall list the specific weapons covered by
14 the policy. The list presented to the licensing authority shall match
15 the list on the insurance policy or the license or renewal shall not
16 issue. In the event that a holder of a license to carry acquires a new
17 handgun after the issuance of the license or the renewal of an
18 existing license, the holder shall register the weapon as required by

19 law and shall forward to the licensing authority a true copy of a cer-
20 tificate of insurance verifying the existence of insurance, as required
21 herein, for said new weapon or weapons within thirty days of acqui-
22 sition. Such a policy of insurance shall be available to satisfy any
23 judgment for personal injuries or property damages arising out of the
24 unintentional, accidental or unlawful use of an insured weapon, pro-
25 vided that, in the event of multiple judgments, judgments for med-
26 ical bills shall have a priority in the order that said judgments are
27 satisfied and, provided further, that medical bills paid for by or owed
28 to the Commonwealth and any municipal or regional governmental
29 entity shall have a super priority and shall be satisfied first out of all
30 such judgments for medical bills. In the event that a judgment issues
31 against the license holder for personal injuries or property damage
32 that cannot be satisfied by the required insurance policy due to the
33 holder's failure to maintain said policy, the license holder may be
34 punished by imprisonment by not more than five years.

1 SECTION 2. Section 131½ of Chapter 140 of the General Laws,
2 as so appearing, is hereby amended by striking out the second sen-
3 tence and inserting in place thereof the following sentence:—

4 The board shall consist of nine individuals, one of whom shall be
5 a member of the gun owners action league, one of whom shall be a
6 member of stop handgun violence, one of whom shall be a police
7 chief selected from a list of four selected by the police chiefs associ-
8 ation, one of whom shall be a district attorney selected from a list of
9 three selected by the district attorney's association, and one of whom
10 shall be the director of the firearms records bureau within the crim-
11 inal history systems board.

1 SECTION 3. Section 129C of Chapter 140 of the General Laws,
2 as so appearing, is hereby amended by striking out in line 16 the
3 words "shall be made" and inserting in that line after the word
4 "gun," the following:— "a seller or owner shall make".

1 SECTION 4. Section 131 subsection (d) of Chapter 140 of the
2 General Laws, as so appearing, is hereby amended by inserting
3 thereafter the following sentence:—

4 (viii) has not successfully completed a firearms safety course of at
5 least twenty hours, including a minimum of four hours of practical

6 shooting instruction at a firing range that has been approved by the
7 secretary of public safety or his designee.

1 SECTION 5. Section 123 of Chapter 140 of the General Laws, as
2 so appearing, is hereby amended by striking out, in line 64 the word
3 “and”, and by inserting after the word “thirty-one” the following
4 words:— “;and that no more than one firearm shall be sold to any
5 person in the Commonwealth who has purchased a firearm within
6 the past 30 days.”

1 SECTION 6. Section 131K of Chapter 140 of the General Laws,
2 as so appearing, is hereby amended by striking out the first sentence
3 and inserting in place thereof the following sentence:—

4 “All weapons as defined in section 121 including, but not limited
5 to, firearms, large capacity weapons, rifles and shotguns sold within
6 the commonwealth without a safety device designed to prevent the
7 discharge of such weapon by unauthorized users and approved by
8 the colonel of the state police including, but no limited to, mechan-
9 ical locks or devices designed to recognize and authorize, or other-
10 wise allow the firearm to be discharged by its owner or authorized
11 user, by solenoid use-limitation devices, key activated or combina-
12 tion trigger or handle locks, radio frequency tags, automated finger-
13 print identification systems or voice recognition, provided, that such
14 device is commercially available, shall be defective and the sale of
15 such weapons shall constitute a breach of warranty under section 2-
16 314 of Chapter 106 and an unfair and deceptive trade act or practice
17 under Section 2 of Chapter 93A.”

1 SECTION 7. Chapter 269 of the General Laws, as so appearing,
2 is hereby amended by striking out section 10E and inserting place
3 thereof the following section:—

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

11 (1) Three or more, but less than ten, be punished by a term of
12 imprisonment of not more than ten years in the state prison. No sen-
13 tence imposed under the provisions of this paragraph shall be for
14 less than a mandatory minimum term of imprisonment of five years
15 and a fine of not more than seventy-five thousand dollars may be
16 imposed but not in lieu of the mandatory minimum term of impris-
17 onment, as established herein.

18 (2) Ten or more, but less than twenty, be punished by a term of
19 imprisonment of not more than ten years in the state prison. No sen-
20 tence imposed under the provisions of this paragraph shall be for
21 less than a mandatory minimum term of imprisonment of seven
22 years and a fine of not more than one hundred and twenty-five thou-
23 sand dollars may be imposed but not in lieu of the mandatory min-
24 imum term of imprisonment, as established herein.

25 (3) Twenty or more, be punished by a term of imprisonment not
26 less than ten years up to life imprisonment in the state prison. No
27 sentence imposed under the provisions of this paragraph shall be for
28 less than a mandatory minimum term of imprisonment of twelve
29 years and a fine of not more than one hundred and seventy-five thou-
30 sand dollars may be imposed but not in lieu of the mandatory min-
31 imum term of imprisonment, as established herein.

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

40 A person convicted of violating any provision of this section shall
41 not, until he shall have served the mandatory minimum term of
42 imprisonment established herein, be eligible for probation, parole,
43 furlough, work release, or receive any deduction from his sentence
44 for good conduct under sections one hundred and twenty-nine, one
45 hundred and twenty-nine C and one hundred and twenty-nine D of
46 chapter one hundred and twenty-seven; provided, however, that the
47 commissioner of corrections may, on the recommendation of the
48 warden, superintendent, or other person in charge of the correctional
49 institution, grant to said offender a temporary release in the custody

50 of an officer of such institution for the following purposes: to attend
51 the funeral of a relative, to visit a critically ill relative, or to obtain
52 emergency medical or psychiatric services unavailable at said insti-
53 tution. The provisions of section eighty-seven of chapter two hun-
54 dred and seventy-six shall not apply to any person, seventeen years
55 of age or over, charged with a violation of said sections, or to any
56 child between the age of fourteen and seventeen, so charged, if the
57 court is of the opinion that the interests of the public require that he
58 shall be tried for such offense instead of being dealt with as a child.