

HOUSE No. 3846

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to a voluntary do not sell firearms list.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2021</i>

HOUSE No. 3846

By Ms. Sabadosa of Northampton, a petition (accompanied by bill, House, No. 3846) of Lindsay N. Sabadosa relative to establishing a voluntary do not sell firearms list. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to a voluntary do not sell firearms list.

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 121 of chapter 140 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in line 1, the figure “131Y” and inserting in
3 place thereof the following figure:- 131Z.

4 SECTION 2. Section 129B of said chapter 140, as so appearing, is hereby amended by
5 striking out, in lines 100 and 101, the words “or (xi)” and inserting in place thereof the following
6 words:-

7 (xi) is enrolled on the voluntary do not sell firearms list established in section 131Z; or

8 (xii).

9 SECTION 3. Section 131 of said chapter 140, as so appearing, is hereby amended by
10 striking out, in lines 258 and 259, the words “or (x)” and inserting in place thereof the following
11 words:-

12 (x) is enrolled on the voluntary do not sell firearms list established in section 131Z; or
13 (xi).

14 SECTION 4. Section 131F of said chapter 140, as so appearing, is hereby amended by
15 striking out, in lines 56 and 57, the words “or (x)” and inserting in place thereof the following
16 words:-

17 (x) is enrolled on the voluntary do not sell firearms list established in section 131Z; or
18 (xi).

19 SECTION 5. Said chapter 140 of the General Laws is hereby amended by inserting after
20 section 131Y the following section:-

21 Section 131Z. (a) The department of criminal justice information services, hereinafter
22 department, shall establish a voluntary do not sell firearms list, hereinafter the list, in the
23 commonwealth to prohibit the purchase, rental, lease, borrowing, possession and carrying of
24 firearms by any person who voluntarily registers to be enrolled into the list. The department shall
25 maintain and update the list, which shall be available only to licensing authorities and the colonel
26 of state police. The department shall promulgate any regulations and develop any policies for the
27 implementation of the list.

28 (b) The department, the colonel of state police and all licensing authorities shall withhold
29 from public disclosure all information regarding a request to be enrolled into or removed from
30 the list and any other personal identifying information contained in or related to the list, except
31 that said information may be disclosed to a law enforcement officer, as defined in section 1 of

32 chapter 6E, acting in the performance of the officer's official duties or the applicant with respect
33 to the applicant's own information.

34 (c) Any person 18 years of age or older may apply in writing to the department to request
35 voluntary enrollment into the list and, after being enrolled into the list, may apply in writing to
36 the department to request removal from the list. The application for enrollment into and removal
37 from the list shall be on forms prescribed by the department. Pursuant to subsection (f), the forms
38 shall state that any person enrolled into the list shall not be removed from the list until 21 days
39 after receiving an application for removal. The commissioner of the department shall make the
40 forms available on the department website and the colonel of state police shall make the forms
41 available on the department of state police website.

42 (d) Any person requesting enrollment into or removal from the list shall submit a
43 photocopy of: (1) a motor vehicle license issued pursuant to section 8 of chapter 90; (2) an
44 identification card issued under section 8E of chapter 90; (3) a valid passport issued by the
45 United States government; or (4) a valid United States issued military identification card to
46 accompany the enrollment and removal form. The request for enrollment into or removal from
47 the list may be submitted to the department e by mail or in person at any department of state
48 police office location.

49 (e) Upon enrolling a person into the list, the department shall submit a notification
50 indicating the person's enrollment on the voluntary do not sell firearms list to the attorney
51 general of the United States for the National Instant Criminal Background Check System. The
52 department shall also notify the person by mail that the person has been enrolled into the list.

53 (f) The department shall not remove any person from the list until 21 days after receipt
54 of the person's removal request. Upon removal of a person's name from the list, the department
55 shall: (i) submit a notification indicating the person's removal from the voluntary do not sell
56 firearms list to the attorney general of the United States for the National Instant Criminal
57 Background Check System; and (ii) destroy all records of enrollment into and request for
58 removal from the list.