

An Act to Protect Due Process and Strengthen Public Safety

Section 1: Removes the authority of Attorney General to issue rules and regulations of firearms sales in Massachusetts under 93A the consumer protection statute.

Section 2: Provides that no person who had a proper license prior to July 21 and purchased, sold, transferred and the transaction was properly carried out under the Massachusetts Instant Record Check System may be found guilty of unlawful sale, transfer or possession of an assault weapon or weapon.

Section 3: Adds a new subsection to the firearms statute regarding administrative changes to lists to prohibited weapons and defines material change and administrative actions:

- Prohibits any material change to the definition of assault weapon or weapon by administrative action;
- Material change is defined as any change, alteration or modification to the list of approved firearms in the Commonwealth that either adds or subtracts weapons
- Any material change must go through the legislative process
- Administrative action is defined as any action other than statutory change by the legislative process

Section 4: Amends the penalty for failure to report a gun transfer under the Commonwealth's transfer reporting system by:

- First Offense: Fine of \$1,000 to \$2,000 or imprisonment of no more than 6 months
- Currently a first offense carries a fine of \$500 to \$1000 with no imprisonment

Section 5: Adds 5 to 10 years to the sentence of a person convicted for use of firearms while committing a felony if the person did not have a license or the firearm was purchased and a gun transfer was not recorded.

- The current law for use of a firearm during the commission of a felony is the not less than 20 years in prison plus the penalty for the offense committed; 25 years plus the penalty for offense if the firearm is a large capacity semiautomatic or machine gun

Section 6: Effective date of the act is July 21, 2016