



Legislative Overview for Firearms-Related Legislation – 188th Session for background information 6/24/2013

There have been over 20 firearms-related bills introduced into the current (188th) session of the Massachusetts legislature. These range from a series of bills introduced that would eliminate all the existing gun control laws in the state to those that would dramatically increase the limitations on gun ownership and registration/licensing requirements. Overlaying the primary bills is the fact that Massachusetts is one of nine states currently not in compliance with the National Criminal Instant Background Check System (NICS). This is due to the fact that the NICS conflicts with the federal Health Information Portability and Accountability Act (HIPAA), which mandates the protection of privacy for all medical records including mental health records, and with Massachusetts laws on mental health reporting. The laws proposed by both the Governor (H.47) and Representative Linsky (H.3253) seek to bring Massachusetts into compliance with NICS and mandate significant other changes. Both of these bills address changes to procedures for obtaining an FID (Firearms Identification Card) or LTC (License to Carry).

The Joint Committee on Public Safety and Homeland Security has basically stated that it intends to write its own bill, using elements of several proposed bills and possibly the input of the special task force appointed by Speaker DeLeo. Thus, the League will not write testimony specific to any of the already-filed bills at this time.

This committee has five public hearings planned around the state to get input. The committee's stated goal is to have a bill ready for debate *in the early fall* and action on it by November. The speaker has already indicated, and Rep. McNaughton (House Chair of the joint committee) has supported, the idea that the focus would be on improving restrictions based on the mental health of gun registration applicants. It should be noted that this is exactly what the National Rifle Association (NRA) and other gun advocate groups have lobbied for. These groups always generate a large and vocal turnout when gun control legislation is proposed. Therefore, we need to forcefully state our positions on other proposed elements and weigh in with the public sentiment that the scheduled hearings are seeking.

Our participation in the Mass Coalition to Prevent Gun Violence has been invaluable in developing information for our talking points and in keeping us current as the joint committee hearings schedule has evolved. The coalition has heard speakers from various groups, including mental health professionals and police chiefs, and has researched and discussed the bills en masse, making the work of an individual researcher or organization much easier.

It has become clear that real reduction of firearms violence requires a mental health component, focused on suicide prevention; a "probable violence" limitation addressing domestic violence perpetrators, prior violent offenders and others deemed to be currently dangerous; and an arms trafficking aspect that does not end up jailing victims of domestic abuse, but rather focuses on interrupting multiple-purchase trafficking and imports from out-of-state. Sadly, the major proposed bills do not effectively address these key points adequately, although the governor's bill does seek to minimize straw purchases and does address domestic violence issues. Existing state and national League positions support most of the governor's bill (H.47).

The legislative leadership is determined to pass something this session. Once that is done, gun safety legislation may be off the table for years. It is vitally important to get the best possible bill now.

LWVUS and LWVMA positions relevant to the legislative proposals likely to influence the gun safety bill written out of the joint committee are quoted below:

LWV US – IMPACT ON ISSUES -- *Statement of Position on Gun Control, as Adopted by 1990 Convention and amended by the 1994 and 1998 Conventions:*

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

1. The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background check, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

2. The League supports a ban on “Saturday night specials,” enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

LWVMA -- WHERE WE STAND

Social Policy: Handgun Control

Goal: Elimination of the private possession of handguns (1974) and assault weapons (1989).

The League supports:

1. limitation of the sale and possession of handguns and assault weapons to law enforcement and military personnel
2. a possible exception for sportsmen if the guns are used and stored away from the home under controlled conditions

Until such a time as a ban on the private possession of handguns and assault weapons becomes law the League supports:

1. improved and standardized licensing procedures
2. training in the use of handguns and assault weapons and the responsibilities of ownership
3. education of the public to the dangers of the handgun in the home
4. strict enforcement of the present laws concerning handgun ownership
5. measures to encourage the removal of all handguns and assault weapons from the home and street

Government – Prison Sentencing Position

The League supports:

- legislative criteria and guidelines for sentencing (1974)
- more sentencing alternatives (1974)
- written reasons for sentencing (1974)
- the use of a prison sentence for offenders who commit violent crimes against the person

Social Policy - Child abuse prevention and treatment

The League supports:

Regarding proposed legislation to make it illegal to have firearms on a school grounds - “programs and policies that emphasize the safety and protection of the child...”