

Offered by Councilors Ed Flynn, Brian Worrell, Lara, Arroyo, Baker, Bok, Coletta, Fernandes Anderson, Flaherty, Louijeune, Murphy and Breadon



## CITY OF BOSTON

### AN ORDINANCE AMENDING THE CITY OF BOSTON CODE RELATING TO THE STUDY AND REPORT ON THE TRAFFICKING OF ILLEGAL FIREARMS

**WHEREAS:** Gun violence is a leading cause of death and injuries in this country, causing harm to not only the individual, but also to communities that experience gun violence in their neighborhoods; *and*

**WHEREAS:** In October of 2022, the City Council unanimously adopted a resolution declaring gun violence as a public health emergency; *and*

**WHEREAS:** There has been more than 1,700 shootings recorded in the City since 2015, with more than 170 shootings in 2022; *and*

**WHEREAS:** Gun trafficking and illegal flow of firearms is a major contributor to gun violence, with the Boston Police recovering more than 900 firearms in 2022. In 2021, of the firearms recovered at crime scenes that were traced using the National Integrated Ballistic Information Network, only 10 percent were purchased in Massachusetts, while the rest were brought into Massachusetts from 18 other states; *and*

**WHEREAS:** The Boston Police, the Suffolk District Attorney's Office, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives have partnered together last year on a program called "Boston Firearm Intelligence Review Shooting and Trafficking" (Boston FIRST) to focus on the issue of illegal gun trafficking, and to investigate, identify, and prosecute gun traffickers; *and*

**WHEREAS:** A comprehensive study and review of the flow of firearms into the City of Boston would help law enforcement and policymakers better understand the impact of illegal gun trafficking, and this data will help craft strategies to reduce gun violence; **AND NOW THEREFORE,**

***Be it Ordained by the City Council of Boston as follows:***

That the City of Boston Municipal Code, Ordinances, Chapter 11-1 shall be amended by adding at the end thereof, the following new sections and subsections:

## **Section 11-1.11 REPORT ON GUN TRAFFICKING IN THE CITY OF BOSTON.**

### **Section 1. Purpose.**

The purpose of this ordinance is to create an annual study and report from the Boston Police Department with data on the flow of firearms and review of ways that illegal firearms are transported into the City, which will help law enforcement and policymakers in determining action in stemming the flow of illegal firearms.

### **Section 2. Reporting.**

The Boston Police Department shall coordinate with Massachusetts State Police, the Suffolk County Sheriff's Office, the Suffolk County District Attorney's Office, and all other relevant municipal agencies to conduct a study on reducing the flow of firearms into the city and shall submit a report to the Mayor and the Boston City Council no later than three months after passage and annually thereafter. Such study and report shall include the following information for the preceding calendar year:

1. For each firearm seized or surrendered in the city and obtained by the police department:
  - (a) Whether the firearm was connected to a crime;
  - (b) Where the firearm originated, including where it was first sold, manufactured, imported or assembled;
  - (c) The date such firearm was seized or surrendered and the date such firearm was last sold legally;
  - (d) The location of such seizure, including latitude and longitude if available, but in all cases at least as specific as the nearest intersection;
  - (e) The make, model, type and serial number of such firearm;
  - (f) The manufacturer or importer of such firearm;
  - (g) Whether the firearm was a ghost gun or a firearm created using a three-dimensional printer, and if so, the entities that produced such firearm or parts thereof;
  - (h) The dealer of such firearm and whether such dealer was licensed; and
  - (i) Whether the firearm was registered in any state or federal database, including the National Firearms Registration and Transfer Record.
2. A review of the ways firearms are illegally transported into the city, including through roadways on and connected to the interstate and sea ports or bodies of water;
3. Limitations on disclosure. If disclosure of any information specified in paragraph one of subdivision a of this section is prohibited by law, such study and report shall identify the information being withheld and the reason therefore, and shall, instead of such withheld information, include aggregate data to the extent available. Such study and report need not include information about any firearm obtained through a gun buy-back program or where

disclosure would compromise the safety of the public or police officers or could otherwise compromise ongoing law enforcement investigations or operations. Such reports shall include the total number of seizures for which reporting was withheld due to a pending criminal investigation, and upon completion of such investigations the information relating to such seizures shall be reflected in a subsequent report.

**Section 3. Implementation.**

This ordinance takes effect immediately after passage.

**Section 4. Severability.**

If any provision of this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Filed in Council: March 1, 2023