



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR EDWARD J. KENNEDY
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Chair
JOINT COMMITTEE ON
TOURISM, ARTS AND
CULTURAL DEVELOPMENT

August 28, 2019

The Honorable Michael O. Moore, Senate Chair
The Honorable Harold P. Naughton, Jr., House Chair
The Joint Committee on Public Safety and Homeland Security
Massachusetts State House
Boston, MA 02133

Dear Chairman Moore and Chairman Naughton,

I appreciate the consideration by the Joint Committee on Public Safety and Homeland Security of *Senate Bill 1426, An Act relative to the discharge of firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun without regard for the risk of harm*, and urge the Committee to support the favorable passage of this legislation.

It is an unfortunate reality that gun violence is one of the most dangerous public safety issues facing communities across the Commonwealth and the nation-at-large. Despite successful measures enacted by the Legislature to mitigate such threats at the state and local level, there is still a need to strengthen penalties for the discharge of a firearm and put forth commonsense legislation that will protect residents from such gross negligence.

The need for updating our current laws is evident in the discrepancy at which the Commonwealth enforces punishment for crimes against public space.

Currently, anyone that is caught illegally carrying a dangerous weapon can be prosecuted, as this is a criminal offense. However, someone caught firing a weapon in a residential area is would only be charged with a misdemeanor for discharging a firearm within 500 feet of a dwelling. These two very serious charges oftentimes go hand in hand, but result in two severely disproportionate means of punishment for crimes against public space.

For example, in November of 2018 the passengers of two moving vehicles were recklessly driving through the streets of Cambridge in broad daylight engaged in a gunfight. Thankfully there was minimal damage done to the perpetrators and bystanders. However, one of the assailants was only charged with discharging a firearm near a building and for carrying a firearm without a license. Similar instances of individuals recklessly discharging firearms has affected my hometown of Lowell and incites fear amongst innocent bystanders going about their day-to-day-lives.

Nobody in Massachusetts should grapple with the fear and trauma brought on by gun violence for simply going about their day-to-day lives and it is careless, senseless, and violent acts such as these that demand our attention and action.

As lawmakers, it is our duty to equip law enforcement officials and prosecutors with the means to protect the communities that we all serve. This commonsense legislation would simply modernize our state's public safety laws to deem the discharge of a firearm without regard to the risk of harm to be considered a felony and carry a punishment of up to five years in prison.

I respectfully request that this bill receive a favorable report. Thank you for your time and consideration of this matter. If you have any questions or concerns, please feel free to contact me at (617) 722-1630.

Sincerely,



Edward J. Kennedy
State Senator
First Middlesex District