

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

1 by striking the existing text and inserting in place thereof the following text:

2 SECTION 1. Section 18 ³/₄ of chapter 6A of the General Laws, as appearing in the 2022
3 Official Edition, is hereby amended by striking out clause (10) and inserting in place thereof the
4 following clause:-

5 (10) to develop a biennial report analyzing and reporting on the firearms trace data
6 collected under section 131Q of chapter 140 and non-identifying gun sales transaction data held
7 by the firearms records bureau to be sent to the clerks of the house of representatives and senate,
8 the house and senate committees on ways and means and the chairs of the joint committee on
9 public safety and homeland security not later than March 1 of every even-numbered year;
10 provided, however, that the report shall contain, but not be limited to, the following information:
11 (i) statistics related to firearms crimes; (ii) arrests and prosecutions of firearms-related offenses,
12 to serve as an examination of the effectiveness of the commonwealth's firearms-related
13 regulations; (iii) aggregate data on the source of firearms that have been confiscated and
14 identified as being used in a crime or in an attempted or completed suicide during the report
15 period, including aggregate information on the manufacturer, whether the firearms were
16 privately made or modified, state of origin and last known point of sale, transfer, loss or theft of

17 such firearms; (iv) an explanation of substantial changes in state and federal firearms-related
18 laws and firearms-related statistics in the commonwealth; (v) the effectiveness of section 128B
19 of said chapter 140; (vi) the effectiveness of current reporting mechanisms for lost and stolen
20 firearms, including identifying the number of firearms traced to crimes that were determined to
21 have been lost or stolen and, of these firearms, how many were reported lost or stolen prior to
22 their use in the commission of those crimes; (vii) firearm purchase and sales patterns as they
23 relate to firearms traced to crimes, including an analysis of the number of firearms traced to a
24 crime that were originally purchased from a licensed firearm dealer or purchased through a
25 secondary private seller; and (viii) an analysis of whether the license number used for the
26 purchase or transfer of a firearm used in a crime was associated with the purchase or transfer of
27 any other firearm, in the commonwealth or any other jurisdiction, within a 12-month period prior
28 or subsequent to the sale of the recovered firearm and the total number of such firearms
29 purchased or transferred by that license holder and whether any of such firearms were also used
30 in the commission of a crime; and provided further, that all data referenced herein or relied upon
31 in compiling the report shall be readily available to the public in an aggregate, nonidentifying
32 and downloadable format.

33 SECTION 2. Section 121 of chapter 140 of the Massachusetts General Laws is hereby
34 amended by striking out the definition of “machine gun” and inserting in place thereof the
35 following definitions:-

36 “Rapid Fire Trigger activator”, any device, that when attached to a semiautomatic
37 firearm, allows that firearm to discharge multiple shots or bullets by a single continuous
38 activation of its trigger.”

39 "Machine gun", a weapon of any description, by whatever name known, loaded or
40 unloaded, from which a number of shots or bullets may be rapidly or automatically discharged
41 by one continuous activation of the trigger, including a submachine gun; provided, however, that
42 "machine gun" shall include bump stocks, trigger cranks and any other rapid-fire trigger
43 activators.

44 SECTION 3. Said chapter 140 is hereby further amended by inserting after section 121A
45 the following 2 sections:-

46 Section 121B. (a) No person shall knowingly manufacture or assemble, cause to be
47 manufactured or assembled, import, purchase, sell, offer for sale or transfer ownership of any
48 firearm, rifle or shotgun that is not imprinted with a valid serial number. A violation of this
49 section shall be punishable for a first offense, by imprisonment in a state prison for not more than
50 5 years, by a fine of not more than \$5,000 per weapon in violation of this section or by both such
51 fine and imprisonment. A second or subsequent offense shall be punishable in a state prison for
52 not more than 10 years, by a fine of not more than \$15,000 per weapon in violation of this
53 section or by both such fine and imprisonment.

54 (b) No person shall knowingly import, purchase, sell, offer for sale or transfer ownership
55 of any completed or unfinished frame or receiver unless the completed or unfinished frame or
56 receiver is: (i) deemed to be a firearm pursuant to 18 U.S.C. 921 and regulations promulgated
57 thereunder; and (ii) imprinted with a valid serial number. A violation of this subsection shall be
58 punishable, for a first offense by imprisonment in a state prison for not more than 5 years, by a
59 fine of not more than \$5,000 per completed or unfinished frame or receiver in violation of this
60 subsection or by both such fine and imprisonment and, for a second or subsequent offense,

61 imprisonment in a state prison for not more than 10 years, by a fine of not more than \$15,000 per
62 weapon in violation of this section, or by both such fine and imprisonment.

63 (c) No person shall knowingly possess a firearm, rifle, shotgun or any completed or
64 unfinished frame or receiver that is not imprinted with a valid serial number. A violation of this
65 subsection is punishable, for a first offense by imprisonment in a state prison for no more than 5
66 years, a fine of not more than \$5,000 per weapon in violation of this subsection and, for a second
67 or subsequent offense, imprisonment in a state prison for not more than 10 years, by a fine of not
68 more than \$15,000 per weapon in violation of this subsection or by both such fine and
69 imprisonment.

70 (d) This section shall not apply to:

71 (i) a firearm, rifle, shotgun or any completed or unfinished frame or receiver that is an
72 antique firearm as defined in s 27 C.F.R. 479.11 or that has been rendered permanently
73 inoperable;

74 (ii) the manufacture or assembly, importation, purchase, transfer or possession of a
75 firearm, rifle, shotgun or any completed or unfinished frame or receiver by a law enforcement
76 agency for law enforcement purposes;

77 (iii) the sale or transfer of ownership of a firearm, rifle, shotgun or any completed or
78 unfinished frame or receiver to a federally-licensed gunsmith, manufacturer or importer or to any
79 other federal licensee authorized to serialize firearms, provided that it be serialized within 10
80 days;

81 (iv) the manufacture or assembly, importation, purchase or possession of a firearm, rifle,
82 shotgun or any completed or unfinished frame or receiver by a federally-licensed gunsmith,
83 manufacturer or importer or by any other federal licensee authorized to serialize firearms;

84 (v) a member of the armed forces of the United States or the national guard while on duty
85 and acting within the scope and course of employment with the armed forces of the United States
86 or national guard or any law enforcement agency or forensic laboratory;

87 (vi) a common carrier, motor carrier, air carrier or carrier affiliated with an air carrier
88 through common control interest that is subject to Title 49 of the United States Code or an
89 authorized agent of any such carrier when acting in the course and scope of duties incident to the
90 receipt, processing, transportation or delivery of property;

91 (vii) an authorized representative of a local, state or federal government that receives a
92 firearm, rifle, shotgun or any completed or unfinished frame or receiver as part of an authorized,
93 voluntary buyback program in which the governmental entity is buying or receiving such
94 weapons from private individuals;

95 (viii) the possession and disposition of a firearm, rifle, shotgun or any completed or
96 unfinished frame or receiver by a person who is not prohibited by state or federal law from
97 possessing the weapon and who: (A) possessed the firearm, rifle, shotgun or any completed or
98 unfinished frame or receiver no longer than was necessary to deliver it to a law enforcement
99 agency for that agency's disposition according to law; or (B) is transporting the firearm, rifle,
100 shotgun or any completed or unfinished frame or receiver to a law enforcement agency to deliver
101 it to the agency for the agency's disposition according to law;

102 (ix) the possession or importation of a firearm, rifle, shotgun or any completed or
103 unfinished frame or receiver by a nonresident of the commonwealth who: (i) is traveling with the
104 firearm, rifle, shotgun or completed or unfinished frame or receiver in the commonwealth in
105 accordance with 18 U.S.C. 926A; or (ii) possesses or imports the firearm, rifle, shotgun or
106 completed or unfinished frame or receiver in the commonwealth exclusively for use in an
107 organized sport shooting event or competition for no longer than reasonably necessary to
108 participate in such an event or competition;

109 (x) the possession or importation of a firearm, rifle, shotgun or any completed or
110 unfinished frame or receiver by a new resident moving into the commonwealth who, within 60
111 days of moving into the commonwealth, causes the firearm, rifle, shotgun or completed or
112 unfinished frame or receiver to be imprinted with a valid serial number, removes the weapon
113 from the commonwealth or otherwise comes into compliance with this section;

114 (xi) the possession or importation of an existing firearm, rifle, shotgun or any completed
115 or unfinished frame or receiver by a person who is not prohibited under state or federal law
116 within 90 days of the effective date of this act, causes the firearm, rifle, shotgun or completed or
117 unfinished frame or receiver to be imprinted with a valid serial number, removes the weapon
118 from the commonwealth or otherwise comes into compliance with this section; and

119 (xi) firearms, rifles and shotguns manufactured before October 22, 1968.

120 Section 121C. (a) It shall be unlawful to use a 3-dimensional printer or computer
121 numerical control milling machine to manufacture or assemble any firearm, rifle, shotgun or
122 completed or unfinished frame or receiver within the commonwealth without a valid license to
123 manufacture firearms.

124 (b)(1) It shall be unlawful to sell, offer to sell or transfer a 3-dimensional printer or
125 computer numerical control milling machine that has the primary or intended function of
126 manufacturing or assembling firearms, rifles, shotguns or completed or unfinished frame or
127 receivers to any person in the commonwealth who does not have a valid license to manufacture
128 firearms.

129 (2) It shall be unlawful for any person in the commonwealth to purchase or receive a 3-
130 dimensional printer or computer numerical control milling machine that has the primary or
131 intended function of manufacturing or assembling firearms, rifles, shotguns or completed or
132 unfinished frame or receivers, unless that person has a valid license to manufacture firearms;
133 provided however, that there shall be a presumption that a 3-dimensional printer or computer
134 numerical control milling machine has the primary or intended function of manufacturing or
135 assembling firearms, rifles, shotguns or completed or unfinished frame or receivers, if the printer
136 or machine is marketed or sold in a manner that: (i) advertises that it may be used to manufacture
137 or assemble firearms, rifles, shotguns or completed or unfinished frame or receivers; or(ii)
138 foreseeably promotes the printer or machine's use in manufacturing or assembling such
139 weapons, regardless of whether the printer or machine is otherwise described or classified as
140 having other functions or as a general-purpose printer or machine.

141 (c) A person otherwise licensed under section 129B or 131 who manufactures or
142 assembles a firearm, rifle, shotgun or completed or unfinished frame or receiver within the
143 commonwealth and who does not have a valid license to manufacture firearms shall, within 10
144 days after manufacturing or assembling the weapon, notify the commissioner of the department
145 of criminal justice information services in a form and manner to be prescribed by the department
146 and provide any identifying information concerning the weapon and the owner of such weapon

147 requested by the commissioner including, but not limited to, the weapon's serial number.
148 Nothing in this section shall authorize a person who is not lawfully authorized to possess a
149 firearm, rifle, shotgun or completed or unfinished frame or receiver to manufacture or assemble
150 such a weapon.

151 (d) Except as otherwise authorized by law, it shall be unlawful for a person who does not
152 have a valid license to manufacture or assemble firearms to sell or transfer ownership of a
153 firearm, rifle or shotgun if the person:

154 (i) manufactured or assembled the firearm without a valid license to manufacture
155 firearms;

156 (ii) knowingly caused the firearm to be manufactured or assembled by another person
157 who does not have a valid license to manufacture firearms; or

158 (iii) is aware that the firearm was manufactured or assembled by another person who does
159 not have a valid license to manufacture firearms.

160 (e)(1) It shall be unlawful to knowingly allow, facilitate, aid, abet or cause the
161 manufacture or assembling of a firearm, rifle, shotgun or completed or unfinished frame or
162 receiver by a person who is legally prohibited from possessing such a weapon under state or
163 federal law.

164 (2) It shall be unlawful to knowingly allow, facilitate, aid, abet or cause the manufacture
165 or assembly of a machine gun, assault weapon, undetectable firearm, rifle or shotgun or of any
166 firearm, rifle, shotgun or completed or unfinished frame or receiver that is not imprinted with a
167 valid serial number.

168 (f) This section shall not apply to any member of the armed forces of the United States or
169 the national guard while on duty and acting within the scope and course of employment with said
170 armed forces or national guard, or to any law enforcement agency or forensic laboratory or to the
171 transfer, relinquishment or sale of a firearm, rifle or shotgun to a law enforcement agency.

172 (g) A violation of this section shall be punishable by not more than 12 months
173 imprisonment or a fine of up to \$5,000 per weapon in violation or by both such fine and
174 imprisonment.

175 Section 121D. (a) As used in this section, “digital firearm manufacturing code” shall
176 mean any digital instructions in the form of computer-aided design files or other code or
177 instructions stored and displayed in electronic format as a digital model that may be used to
178 program a computer numerical control milling machine, a 3-dimensional printer or a similar
179 machine to manufacture, assemble or produce a firearm, rifle, shotgun or completed or
180 unfinished frame or receiver.

181 (b) A person, firm or corporation shall not, by any means, including the internet,
182 knowingly distribute, or knowingly cause the distribution of, digital firearm manufacturing code
183 to any person in the commonwealth who does not have a valid license to manufacture firearms.

184 (c) In addition to any other applicable penalty or remedies authorized by any other law or
185 cause of action, a person, firm or corporation who violates this section may be held strictly liable
186 for personal injury or property damage inflicted by the use of any firearm, rifle or shotgun that
187 was manufactured, assembled or produced in whole or in part using any digital firearm
188 manufacturing code that was distributed in violation of this section.

189 (d) A violation of this section shall be punishable by not more than 18 months
190 imprisonment or a fine of up to \$15,000 per violation or by both such fine and imprisonment.

191 (e) This section shall not apply to or affect the distribution of digital firearm
192 manufacturing code to any member of the armed forces of the United States or the national guard
193 while on duty and acting within the scope and course of employment with said armed forces or
194 national guard, or to any law enforcement agency or forensic laboratory.

195 SECTION 4. Paragraph (f) of said section 131S of said chapter 140, as so appearing, is
196 hereby amended by striking out the first paragraph and inserting in place thereof the following
197 paragraph:-

198 Upon receipt of service of an extreme risk protection order, the licensing authority of the
199 municipality where the respondent resides shall immediately suspend the respondent's license to
200 carry firearms or firearm identification card and notify the respondent of said suspension and
201 shall not issue any new firearms license or identification card to the respondent for the duration
202 of the order.

203 SECTION 5. Section 131X of said chapter 140, as so appearing, is hereby amended by
204 striking out subsection (d) and inserting in place thereof the following 2 subsections:-

205 (d) Notwithstanding any general or special law, rule or regulation to the contrary, any
206 health care provider duly authorized as a petitioner, upon filing an application or renewal for an
207 extreme risk protection order, may disclose protected health information of the respondent only
208 to the extent necessary for the full investigation and disposition of such application or renewal
209 for an extreme risk protection order. When disclosing protected health information, a health care

210 provider shall make reasonable efforts to limit protected health information to the extent
211 necessary to accomplish the filing of the application or renewal.

212 Upon receipt of a petition by any health care provider and for good cause shown, the
213 court may issue orders as may be necessary to obtain any clinical records or any other records or
214 documents relating to diagnosis, prognosis or treatment of the respondent as are necessary for the
215 full investigation and disposition of an application for an extreme risk protection order under this
216 section. All such records and other health information provided shall be sealed by the court.

217 The decision of any health care provider to disclose or not to disclose clinical records or
218 other records or documents relating to the diagnosis, prognosis or treatment of a patient pursuant
219 to this subsection, when made reasonably and in good faith, shall not be the basis for any civil or
220 criminal liability with respect to such health care provider; provided, however, that any health
221 care provider duly authorized as a petitioner shall not be subject to civil or criminal liability for
222 failure to petition the court for the issuance or renewal of an extreme risk protection order.

223 (e) The supreme judicial court and the appeals court shall have concurrent jurisdiction to
224 review any proceedings, determinations, orders or judgments entered in the court pursuant to
225 section 131S or section 131T. The supreme judicial court or the appeals court, subject to section
226 13 of chapter 211A, may by rule vary the procedure authorized or required for such review upon
227 a finding that the review by the court will thereby be made more simple, speedy and effective.

228 SECTION 6. Section 129B of said chapter 140, as appearing in the 2022 Official Edition,
229 is hereby amended by striking out, in line 93, the words “or (C)” and inserting in place thereof
230 the following words:- (C) a permanent or temporary harassment prevention order issued pursuant
231 to chapter 258E or a similar order issued by another jurisdiction; or (D) an extreme risk

232 protection order issued pursuant to sections 131R to 131X, inclusive, or a similar order issued by
233 another jurisdiction.

234 SECTION 7. The executive office of public safety and security, shall create and oversee a
235 firearms safety education fund to provide grants to school districts, law enforcement agencies
236 and non-profit organizations for the purpose of education relative to compliance with
237 Massachusetts firearms laws and firearms safety.

238 (b) such fund shall receive proceeds from fines incurred in illegal firearms possession or
239 trafficking crimes.

240 SECTION 8. Chapter 269 is hereby amended by striking out section 10I, as so appearing,
241 and inserting in place thereof the following section:-

242 Section 10I. (a) Whoever transports a firearm, as defined in section 121 of chapter 140,
243 into the commonwealth to use for the commission of criminal activity shall be punished by
244 imprisonment in state prison for not more than 2 years or a fine of not more than \$1,000 per
245 weapon or by both such fine and imprisonment.

246 (b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or
247 transfer possession of the firearm to a prohibited person, as defined in section 123 of chapter
248 140, shall be punished by imprisonment in state prison for not less than 5 years nor more than 10
249 years.

250 SECTION 9. Said Chapter 269 is hereby further amended by inserting after section 12F
251 the following section:-

252 Section 12G. Whoever intentionally strikes a dwelling or building in use by discharging
253 an assault weapon, firearm, large capacity weapon, machine gun, rifle, sawed-off shotgun or
254 shotgun, as defined in section 121 of chapter 140, shall be punished by imprisonment in the
255 house of correction for not more than 2 ½ years or in state prison for not more than 5 years or by
256 a fine of not more than \$10,000, or both such imprisonment and fine. Whoever intentionally
257 strikes any law enforcement officer acting in the discharge of his duties by discharging an assault
258 weapon, firearm, large capacity weapon, machine gun, rifle, stun gun, sawed-off shotgun or
259 shotgun, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state
260 prison for not more than five years or by a fine of not more than one thousand dollars and
261 imprisonment in jail for not more than two years, and shall also be liable in tort to any person for
262 all damages sustained by him thereby.

263 SECTION 10. Chapter 140 is hereby amended in section 121 by inserting at the end of
264 the section the following sentence:-

265 “An approved firearms roster, including manufacturer, model and caliber of all firearms
266 that have passed the testing requirements of Section 123 of Chapter 140 of the Massachusetts
267 General Laws shall be maintained and published annually by the Office of the Attorney
268 General.”

269 SECTION 11. Section 10 of chapter 269 of the General Laws, as appearing in the 2022
270 Official Edition, is hereby amended by striking subsection (j) the and inserting in place thereof
271 the following subsection:-

272 (j) For the purposes of this paragraph, "firearm" shall mean any pistol, revolver, rifle or
273 smoothbore arm from which a shot, bullet or pellet can be discharged.

274 Whoever, not being a law enforcement officer and notwithstanding any license obtained
275 by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or
276 other dangerous weapon in any place deemed a prohibited place by Massachusetts General Law,
277 without written authorization of the board or officer in charge of said prohibited place shall be
278 punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or
279 both. A law enforcement officer may arrest without a warrant and detain a person found carrying
280 a firearm in violation of this paragraph.

281 SECTION 12. Pursuant to section 2A of Chapter 4 of the General Laws, there is hereby
282 established the Massachusetts commission on gun violence reduction, consisting of 9 members.
283 2 of whom shall be members from the legislature, 1 of whom shall be a member of the house of
284 representatives, who shall serve as co-chair, and 1 of whom shall be a member of the senate, who
285 shall serve as co-chair; 3 of whom shall be representatives of gun violence prevention nonprofit
286 organizations appointed by the governor; 1 of whom shall be a member of the attorney general's
287 office, appointed by the attorney general; 1 of whom shall be appointed by the Massachusetts
288 Chiefs of Police and 1 of whom shall be appointed by the Massachusetts State Police.

289 (a) Members of the commission shall be appointed for a term of 4 years. The council
290 shall meet 4 times annually for the first 4 years. Every 4 years, the council shall evaluate the
291 progress of its efforts and shall disband unless a majority of the members recognize a continuing
292 need for the council to exist.

293 (b) The commission shall study and provide annual recommendations for changes in
294 relevant laws and regulations, identify effective use of state funding for gun violence prevention,
295 and pursue federal gun violence prevention grant activities.