HOUSE DOCKET, NO. 302 FILED ON: 1/19/2021

HOUSE . . . . . No. 2491

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to 3D printed weapons and "ghost guns".

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David Paul Linsky	*5th Middlesex*	*1/19/2021*
Jack Patrick Lewis	*7th Middlesex*	*1/19/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*1/19/2021*
Maria Duaime Robinson	*6th Middlesex*	*1/19/2021*
Kay Khan	*11th Middlesex*	*1/19/2021*
Tricia Farley-Bouvier	*3rd Berkshire*	*1/19/2021*
Jay D. Livingstone	*8th Suffolk*	*1/19/2021*
Michelle L. Ciccolo	*15th Middlesex*	*1/19/2021*
Patricia D. Jehlen	*Second Middlesex*	*1/20/2021*
Tram T. Nguyen	*18th Essex*	*1/20/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*1/20/2021*
Michael O. Moore	*Second Worcester*	*1/20/2021*
Ann-Margaret Ferrante	*5th Essex*	*1/20/2021*
Steven Ultrino	*33rd Middlesex*	*1/21/2021*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/21/2021*
Kenneth I. Gordon	*21st Middlesex*	*1/21/2021*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/22/2021*
Marian Ryan, Middlesex District	*15 Commonwealth Avenue Woburn,*	*1/25/2021*

Attorney	*MA 01801*	
Carol A. Doherty	*3rd Bristol*	*1/25/2021*
Tommy Vitolo	*15th Norfolk*	*1/25/2021*
Steven C. Owens	*29th Middlesex*	*1/27/2021*
Danillo A. Sena	*37th Middlesex*	*1/28/2021*
Adrian C. Madaro	*1st Suffolk*	*1/29/2021*
Michael J. Barrett	*Third Middlesex*	*2/23/2021*
Brandy Fluker Oakley	*12th Suffolk*	*2/26/2021*
Kate Lipper-Garabedian	*32nd Middlesex*	*2/26/2021*
David M. Rogers	*24th Middlesex*	*2/26/2021*
Andres X. Vargas	*3rd Essex*	*2/26/2021*
William J. Driscoll, Jr.	*7th Norfolk*	*2/26/2021*
Michelle M. DuBois	*10th Plymouth*	*2/26/2021*
Christine P. Barber	*34th Middlesex*	*3/19/2021*
Tami L. Gouveia	*14th Middlesex*	*4/14/2021*
Lori A. Ehrlich	*8th Essex*	*4/14/2021*
Mary S. Keefe	*15th Worcester*	*9/17/2021*
Ruth B. Balser	*12th Middlesex*	*2/1/2022*
Christina A. Minicucci	*14th Essex*	*3/16/2022*
Smitty Pignatelli	*4th Berkshire*	*5/25/2022*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*5/26/2022*
Natalie M. Higgins	*4th Worcester*	*5/26/2022*
Elizabeth A. Malia	*11th Suffolk*	*5/26/2022*
Susan L. Moran	*Plymouth and Barnstable*	*5/31/2022*

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HOUSE . . . . . No. 2491

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 2491) of David Paul Linsky and others relative to 3D printed weapons and "ghost guns", so-called. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to 3D printed weapons and "ghost guns".

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Section 121 of Chapter 140 of General Laws, is hereby amended by inserting after the word "cartridges" in line 7 the following ' "assembly", the fitting together of the component parts of firearms to construct a firearm,'

Section 2. Section 121 of Chapter 140 of the General Laws, is hereby amended by inserting after the word "gun" in line 100 ' "manufacture", to newly fabricate or construct a firearm'.

Section 3. Section 121 of Chapter 140 of the General Laws, is hereby amended by inserting after the word "detectors" in line 54, '"frame or receiver", that part of a firearm which provides housing for the trigger group, including any such part (1) that is designed, intended or marketed to be used in an assembled, operable firearm or (2) that, without the expenditure of substantial time and effort, can be converted for use in an assembled, operable firearm. The term

shall not include a piece of material that has had its size or external shape altered to facilitate transportation or storage or has had its chemical composition altered.'

Section 4. Section 121 of Chapter 140 of the General Laws is hereby amended by inserting after the word "detectors" in line 54, the following: a firearm shall include any firearm frame or receiver.

Section 5. Chapter 140 is hereby amended by inserting the following new Section after Section 122D.

Section 122E.

(a) No individual shall complete the manufacture or assembly of a firearm unless the frame or receiver of the firearm has been engraved with a serial number or other mark in a manner that conforms with the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder within.

(b) No person shall use a three-dimensional printer to manufacture any firearm, or any part or component that is intended to be used to assemble or manufacture a functioning firearm, unless such person possesses a federal license to manufacture firearms and operates in compliance pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder within.

(c) No person shall distribute by any means, including the Internet, to a person in Massachusetts who is not registered or licensed as a manufacturer, digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in

electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm, firearm receiver, magazine, or firearm component.

As used in this subsection: “three-dimensional printer” means a computer or computer-driven machine or device capable of producing a three-dimensional object from a digital model; and “distribute” means to sell, or to manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, display, share, advertise, offer, or make available via the Internet or by any other means, whether for pecuniary gain or not, and includes an agreement or attempt to distribute.

(d) No individual shall complete the manufacture or assembly of any firearm that is undetectable. "Undetectable firearm” means a firearm that: (1) after removal of all parts other than major components, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or (2) includes a major component which, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component.

"Major component” means the slide or cylinder or the frame or receiver of a firearm and, in the case of a rifle or shotgun, also includes the barrel.

“Security Exemplar” means the Security Exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. § 922

(e) Not later than thirty days after an individual completes manufacturing or assembling a firearm pursuant to this section, such individual shall notify the commissioner of the department

of criminal justice information services and provide any identifying information concerning the firearm and the owner of such firearm pursuant to Section 128B of Chapter 140.

(f) The provisions of this section shall not apply to (1) manufacture or assembly of firearms by a federally licensed firearm manufacturer, or (2) delivery or transfer of a firearm to a law enforcement agency

(g) No individual shall knowingly, facilitate, aid or abet the manufacture or assembly of a firearm by an individual or for an individual who is otherwise prohibited by law from owning or possessing a firearm.

(h) Any person who violates any provision of this Section shall be punished by imprisonment in the state prison by a term of not more than ten years for each offense, or by a fine of not more than ten thousand dollars, or by both such imprisonment and fine.