

**HOUSE . . . . . No. 4038**

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**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 banning semi-automatic firearms.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/18/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>9/17/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>10/26/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>5/26/2022</i>

**HOUSE . . . . . No. 4038**

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 4038) of David Paul Linsky and Michelle M. DuBois relative to banning semi-automatic firearms. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

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

An Act banning semi-automatic firearms.

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

1 SECTION 1. Subsection (b) of section 61 of chapter 90 of the General Laws, as  
2 appearing in the 2018 Official Edition, is hereby amended by striking out the words “assault  
3 weapon”, in line 13, and inserting in place thereof the following words:- any rifle or shotgun  
4 containing a semiautomatic mechanism.

5 SECTION 2. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby  
6 amended by striking out the definition of “Assault weapon”.

7 SECTION 3. Said section 121 of said chapter 140, as so appearing, is hereby amended by  
8 striking out the definition of “Large capacity weapon” and inserting in place thereof the  
9 following definition:-

10 “Large capacity weapon”, any firearm, rifle or shotgun: (i) that is semiautomatic with a  
11 fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or  
12 readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a

13 rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm  
14 and more than five shotgun shells in the case of a shotgun or firearm; or (iv) any rifle or shotgun  
15 containing a semiautomatic mechanism. The term “large capacity weapon” shall be a secondary  
16 designation and shall apply to a weapon in addition to its primary designation as a firearm, rifle  
17 or shotgun and shall not include: (i) any weapon that was manufactured in or prior to the year  
18 1899; (ii) any weapon that operates by manual bolt, pump, lever or slide action; (iii) any weapon  
19 that is a single-shot weapon; (iv) any weapon that has been modified so as to render it  
20 permanently inoperable or otherwise rendered permanently unable to be designated a large  
21 capacity weapon; or (v) any weapon that is an antique or relic, theatrical prop or other weapon  
22 that is not capable of firing a projectile and which is not intended for use as a functional weapon  
23 and cannot be readily modified through a combination of available parts into an operable large  
24 capacity weapon.

25 SECTION 4. Section 123 of said chapter 140, as so appearing, is hereby amended by  
26 striking out the words “assault weapon”, in lines 146 and 147, and inserting in place thereof the  
27 following words:- any rifle or shotgun containing a semiautomatic mechanism.

28 SECTION 5. Section 131M of said chapter 140, as so appearing, is hereby amended by  
29 striking out the words “assault weapon”, in line 2, and inserting in place thereof the following  
30 words:- any rifle or shotgun containing a semiautomatic mechanism.

31 SECTION 6. Said section 131M of said chapter 140, as so appearing is hereby further  
32 amended by striking out the second paragraph and inserting in place thereof the following  
33 paragraph:-

34           The provisions of this section shall not apply to: (i) the possession by a law enforcement  
35 officer, as defined in section 1 of chapter 6E or (ii) the possession by an individual who is  
36 employed by a state or federal government agency and is not otherwise prohibited from receiving  
37 such a weapon or feeding device from such state or federal government agency.

38           SECTION 7. Section 131Q of chapter 140 of the General Laws, as appearing in the 2018  
39 Official Edition, is hereby amended by striking out the words “assault weapon”, each time they  
40 appear, and inserting in place thereof, in each instance, the following words:- any rifle or shotgun  
41 containing a semiautomatic mechanism.

42           SECTION 8. Section 17 of chapter 265 of the General Laws, as so appearing, is hereby  
43 amended by striking out the words “assault weapon”, each time they appear, and inserting in  
44 place thereof, in each instance, the following words:- any rifle or shotgun containing a  
45 semiautomatic mechanism.

46           SECTION 9. Section 18 of chapter 265 of the General Laws, as so appearing, is hereby  
47 amended by striking out the words “assault weapon”, each time they appear, and inserting in  
48 place thereof, in each instance, the following words:- any rifle or shotgun containing a  
49 semiautomatic mechanism.

50           SECTION 10. Section 18A of chapter 265 of the General Laws, as so appearing, is  
51 hereby amended by striking out the words “assault weapon”, in line 8, and inserting in place  
52 thereof the following words:- any rifle or shotgun containing a semiautomatic mechanism.

53           SECTION 11. Section 21A of chapter 265 of the General Laws, as so appearing, is  
54 hereby amended by striking out the words “assault weapon”, in line 15, and inserting in place  
55 thereof the following words:- any rifle or shotgun containing a semiautomatic mechanism.

56 SECTION 12. Subsection (b) of section 22 of chapter 265 of the General Laws, as so  
57 appearing, is hereby amended by striking out the words “assault weapon”, in lines 28 to 29, and  
58 inserting in place thereof the following words:- any rifle or shotgun containing a semiautomatic  
59 mechanism.

60 SECTION 13. Section 24B of chapter 265 of the General Laws, as so appearing, is  
61 hereby amended by striking out the words “assault weapon”, in line 9, and inserting in place  
62 thereof the following words:- any rifle or shotgun containing a semiautomatic mechanism.

63 SECTION 14. Section 26 of chapter 265 of the General Laws, as so appearing, is hereby  
64 amended by striking out the words “assault weapon”, each time they appear, and inserting in  
65 place thereof, in each instance, the following words:- any rifle or shotgun containing a  
66 semiautomatic mechanism.

67 SECTION 15. Subsection (b) of section 39 of chapter 265 of the General Laws, as so  
68 appearing, is hereby amended by striking out the words “assault weapon”, in line 22, and  
69 inserting in place thereof the following words:- any rifle or shotgun containing a semiautomatic  
70 mechanism.

71 SECTION 16. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby  
72 amended by striking out the words “assault weapon”, in line 10, and inserting in place thereof the  
73 following words:- any rifle or shotgun containing a semiautomatic mechanism.

74 SECTION 17. Section 17 of chapter 266 of the General Laws, as so appearing, is hereby  
75 amended by striking out the words “assault weapon”, in line 7, and inserting in place thereof the  
76 following words:- any rifle or shotgun containing a semiautomatic mechanism.

77 SECTION 18. Section 18 of chapter 266 of the General Laws, as so appearing, is hereby  
78 amended by striking out the words “assault weapon”, in line 9, and inserting in place thereof the  
79 following words:- any rifle or shotgun containing a semiautomatic mechanism.

80 SECTION 19. Paragraph (1) of subsection (b) of section 14 of chapter 269 of the General  
81 Laws, as so appearing, is hereby amended by striking out the words “assault weapon, as defined  
82 in section 121 of chapter 140”, in line 15, and inserting in place thereof the following words:-  
83 any rifle or shotgun containing a semiautomatic mechanism.

84 SECTION 20. Subsection (b) of section 25 of chapter 279 of the General Laws, as so  
85 appearing, is hereby amended by striking out the words “assault weapon”, in line 18, and  
86 inserting in place thereof the following words:- any rifle or shotgun containing a semiautomatic  
87 mechanism.

88 SECTION 21. This act shall take effect 1 year after passage.