

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Rosario Turco

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 restoring civil rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>7/7/2022</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>7/13/2022</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>7/13/2022</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>7/14/2022</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>7/14/2022</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>7/14/2022</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>7/14/2022</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>7/15/2022</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>7/18/2022</i>

HOUSE No.

By Mr Turco of Winthrop, a petition (subject to Joint Rule 12) of Jeffrey Rosario Turco and others for legislation to repeal certain aspects of the gun laws. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to restoring civil rights.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to repeal certain aspects of the Massachusetts gun laws that have been found to be civil rights violations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 26 of Chapter 90B of the Massachusetts General Laws is hereby
2 amended by striking subsection (g) in its entirety.

3 SECTION 2. Section 67 of Chapter 131 of the Massachusetts General Laws is hereby
4 repealed.

5 SECTION 3. Section 70 of Chapter 131 of the Massachusetts General Laws is hereby
6 deleted in its entirety and replaced with the following:

7 Section 70. A person shall not, during the open season when deer may be hunted lawfully
8 with a shotgun, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog.

9 Nothing in this section shall be deemed to prohibit the use of dogs to hunt waterfowl in coastal
10 waters and salt marshes during the open season on migratory waterfowl.

11 Notwithstanding the provisions of this section, the director may authorize the use of
12 primitive firearms or shotguns with a rifled bore for hunting during any period when deer may be
13 hunted by means of a firearm under rules and regulations promulgated in accordance with
14 section five.

15 SECTION 4. Section 121 of Chapter 140 of the MGL shall be amended by deleting the
16 definition of "Licensing Authority" in its entirety and replacing it with the following:

17 "Licensing Agent", the chief of police or the board or officer having control of the police
18 in a city or town, or persons authorized by them will act as a local agent for the commonwealth's
19 firearm licensing system. The Commonwealth shall be responsible for the system as a whole and
20 for the unconstitutional or unlawful actions of its agents.

21 SECTION 5. Section 121 of Chapter 140 of the Massachusetts General Laws shall be
22 amended by inserting the following definition:

23 Prohibited Person

24 A prohibited person shall be a person who:

25 (i) has ever, in a court of the commonwealth, been convicted or adjudicated a
26 youthful offender or delinquent child, or both as defined in section 52 of chapter 119, for the
27 commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2
28 years ; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the
29 use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of

30 weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of
31 any law regulating the use, possession or sale of controlled substances, as defined in section 1 of
32 chapter 94C, including, but not limited to, a violation under said chapter 94C; or (F) a
33 misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33).

34 Except for the commission of a felony, a misdemeanor crime of domestic violence, a
35 violent crime or a crime involving the trafficking of controlled substances, if the applicant has
36 been so convicted or adjudicated or released from confinement, probation or parole supervision
37 for such conviction or adjudication, whichever occurs last, for 5 or more years immediately
38 preceding such application, then the applicant's rights shall be deemed restored in the
39 commonwealth.

40 (ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful
41 offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable
42 by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
43 violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease,
44 rental, receipt or transportation of weapons or ammunition for which a term of imprisonment
45 may be imposed; (E) a violation of any law regulating the use, possession or sale of controlled
46 substances, as defined in section 1 of chapter 94C, including, but not limited to, a violation under
47 said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C.
48 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime
49 of domestic violence, a violent crime or a crime involving the trafficking of weapons or
50 controlled substances, if the applicant has been so convicted or adjudicated or released from
51 confinement, probation or parole supervision for such conviction or adjudication, whichever
52 occurs last, for 5 or more years immediately preceding such application and the applicant's right

53 or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the
54 conviction or adjudication was entered, then the conviction or adjudication shall not disqualify
55 such applicant for a firearm identification card;

56 (iii) is or has been: (A) except in the case of a commitment pursuant to sections 35 or 36C
57 of chapter 123, committed to any hospital or institution for mental illness, alcohol or substance
58 abuse, unless after 5 years from the date of the confinement, the applicant submits with the
59 application an affidavit of a licensed physician or clinical psychologist attesting that such
60 physician or psychologist is familiar with the applicant's mental illness, alcohol or substance
61 abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a
62 mental illness, alcohol or substance abuse in a manner that should prevent the applicant from
63 possessing a firearm, rifle or shotgun; (B) committed by an order of a court to any hospital or
64 institution for mental illness, unless the applicant was granted a petition for relief of the court's
65 order pursuant to said section 36C of said chapter 123 and submits a copy of the order for relief
66 with the application; (C) subject to an order of the probate court appointing a guardian or
67 conservator for an incapacitated person on the grounds that that applicant lacks the mental
68 capacity to contract or manage affairs, unless the applicant was granted a petition for relief
69 pursuant to section 56C of chapter 215 and submits a copy of the order for relief with the
70 application; or (D) found to be a person with an alcohol use disorder or substance use disorder or
71 both and committed pursuant to said section 35 of said chapter 123, unless the applicant was
72 granted a petition for relief of the court's order pursuant to said section 35 of said chapter 123
73 and submits a copy of the order for relief with the application;

74 (iv) is an alien who does not maintain lawful permanent residency;

75 (v) is currently subject to: (A) an order for suspension or surrender issued pursuant to
76 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; (B) a
77 permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued
78 by another jurisdiction, including an order described in 18 U.S.C. 922(g)(8); or (C) an extreme
79 risk protection order issued pursuant to sections 131R to 131X, inclusive, or a similar order
80 issued by another jurisdiction;

81 (vi) is currently the subject of an outstanding arrest warrant in any state or federal
82 jurisdiction;

83 (vii) has been discharged from the armed forces of the United States under dishonorable
84 conditions;

85 (viii) is a fugitive from justice; or

86 (ix) having been a citizen of the United States, has renounced that citizenship.

87 SECTION 6. Section 129B of Chapter 140 of the Massachusetts is hereby deleted in its
88 entirety and replaced with the following:

89 Section 129B. A firearm identification card shall be issued and possessed subject to the
90 following:

91 (1) Any person who is at the time of the application more than 14 but less than 18 years
92 of age, unless the applicant submits with the application a certificate of a parent or guardian
93 granting the applicant permission to apply for a card, provided however that the applicant shall
94 not be issued the card until the applicant reaches the age of 15, residing or having a place of
95 business within the jurisdiction of the licensing agent or any person residing in an area of

96 exclusive federal jurisdiction located within a city or town may submit to the licensing agent an
97 application for a firearm identification card, or renewal of the same, which the licensing agent
98 shall issue if the applicant is not a prohibited person under section 121 of this chapter.

99 (2) Within seven days of the receipt of a completed application for a card, the licensing
100 agent shall forward one copy of the application and one copy of the applicant's fingerprints to the
101 colonel of state police, who shall, within 30 days, advise the licensing agent, in writing, of any
102 disqualifying criminal record of the applicant arising from within or without the commonwealth
103 and whether the applicant is a prohibited person; provided, however, that the taking of
104 fingerprints shall not be required in issuing the renewal of a card. In searching for any
105 disqualifying history of the applicant, the Colonel shall utilize, or cause to be utilized, files
106 maintained by the department of mental health, department of probation and statewide and
107 nationwide criminal justice, warrant and protection order information systems and files
108 including, but not limited to, the National Instant Criminal Background Check System. If the
109 information available to the colonel does not indicate that the applicant is not a prohibited person
110 under state or federal law, he shall certify such fact, in writing, to the licensing agent within such
111 30-day period.

112 The licensing agent shall provide to the applicant a receipt indicating that it received the
113 applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the
114 application was received through the Massachusetts Gun Transaction Portal or by mail or
115 immediately if the application was made in person; provided, however, that the receipt shall
116 include the applicants' name, address, current firearm identification card number, if any, the
117 current card's expiration date, if any, the date when the application was received by the licensing
118 agent, the name of the licensing agent and its agent that received the application, the licensing

119 agent's address and telephone number, the type of application and whether it is an application for
120 a new card or for renewal of an existing card; and provided further, that a copy of the receipt
121 shall be kept by the licensing agent for not less than 1 year and a copy shall be furnished to the
122 applicant if requested by the applicant.

123 (3) The licensing agent shall not prescribe any other condition for the issuance of a
124 firearm identification card and shall, and within 40 days from the date of application, either
125 approve the application and issue the card or deny the application and notify the applicant of the
126 specific reason, including a copy of the official record for which they are a prohibited person in
127 writing. If, upon expiration of 40-days, the license has not been issued, it shall issue
128 automatically upon the applicant's request.

129 (4) A firearm identification card shall be revoked or suspended by the licensing agent or
130 his designee upon the occurrence of any event that would have disqualified the holder from
131 being issued such card or from having such card renewed or for a violation of a restriction
132 provided under this section. Any revocation or suspension of a card shall be in writing and shall
133 state the specific reasons therefor including a copy of the official record for which they are a
134 prohibited person. Upon revocation or suspension, the licensing agent shall take possession of
135 such card and receipt for fee paid for such card, and the person whose card is so revoked or
136 suspended shall take all action required under the provisions of section 129D. No appeal or post-
137 judgment motion shall operate to stay such revocation or suspension. Notices of revocation and
138 suspension shall be forwarded to the commissioner of the department of criminal justice
139 information services and the commissioner of probation and shall be included in the criminal
140 justice information system. A revoked or suspended card shall be reinstated upon the termination
141 of all disqualifying conditions.

142 (5) Any applicant or holder aggrieved by a denial, revocation or suspension of a firearm
143 identification card, unless a hearing has previously been held pursuant to chapter 209A, may,
144 within either one year after receipt of notice of such denial, revocation or suspension or within
145 one year after the expiration of the time limit in which the licensing agent is required to respond
146 to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in
147 the city or town wherein the applicant filed for or was issued such card. A justice of such court,
148 after a hearing, shall direct that a card be issued or reinstated to the petitioner if the justice finds
149 that such petitioner is not prohibited by law from possessing such card.

150 In addition, each applicant should receive, at the time they are given their receipt, a copy
151 of the Firearms License Applicant's Bill of Rights which should include, but should not be
152 limited to, the following language:

153 You have the right to apply for a License to Carry or Firearms Identification Card in the
154 town in which you live, or own a primary business. Chapter 140 Section 129B, 131

155 The Licensing Agent must provide a receipt at the time the application is made. Or, in the
156 case of an application made by mail, the applicant shall receive a receipt within 7 days. Chapter
157 140 section 129, 131(e)

158 The Licensing Agent has 40 days from the date of application to issue the license, or
159 provide a letter explaining why you were denied. Chapter 140 Section 129, 131(e)

160 Following the expiration of said 40-days, if the license has not been issued, it shall issue
161 automatically upon your request.

162 You have the right to appeal a license denial within 90 days at your local district court.
163 Chapter 140 section 129(5), 131(f)

164 (6) A firearm identification card shall not entitle a holder thereof to possess: (i) a large
165 capacity firearm or large capacity feeding device therefor, except under a license issued to a
166 shooting club as provided under section 131 or under the direct supervision of a holder of a
167 license issued to an individual under said section 131 at an incorporated shooting club or
168 licensed shooting range; or (ii) a non-large capacity firearm or large capacity rifle or shotgun or
169 large capacity feeding device therefor, except under a license issued to a shooting club as
170 provided under said section 131 or under the direct supervision of a holder of a license issued to
171 an individual under said section 131 at an incorporated shooting club or licensed shooting range.
172 A firearm identification card shall not entitle a holder thereof to possess any rifle or shotgun that
173 is, or in such manner that is, otherwise prohibited by law. A firearm identification card issued
174 pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase and possess
175 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
176 temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall
177 not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or
178 transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined
179 in section 121.

180 (7) A firearm identification card shall be in a standard form provided by the
181 commissioner of the department of criminal justice information services in a size and shape
182 equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles
183 pursuant to section 8 of chapter 90 and shall contain an identification number, name, address,
184 photograph, place and date of birth, height, weight, hair color, eye color and signature of the

185 cardholder and shall be marked "Firearm Identification Card" and shall provide in a legible font
186 size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans
187 Statewide Helpline. If a firearm identification card is issued for the sole purpose of purchasing or
188 possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder
189 designed to temporarily incapacitate, such card shall clearly state that such card is valid for such
190 limited purpose only. The application for such card shall be made in a standard form provided by
191 the commissioner of the department of criminal justice information services which shall require
192 the applicant to affirmatively state, under the pains and penalties of perjury, that he is not
193 disqualified on any of the grounds enumerated in clauses (i) to (ix), inclusive, from being issued
194 such card.

195 (8) Any person who knowingly files an application containing false information shall be
196 punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less
197 than six months nor more than two years in a house of correction, or by both such fine and
198 imprisonment.

199 (9) A firearm identification card shall be valid, unless revoked or suspended, for a period
200 of not more than 6 years from the date of issuance, except that if the cardholder applied for
201 renewal before the card expired, the card shall remain valid after the expiration date on the card
202 for all lawful purposes, until the application for renewal is approved or denied; provided,
203 however, if the cardholder is on active duty with the armed forces of the United States on the
204 expiration date of the card, the card shall remain valid until the cardholder is released from active
205 duty and for a period of not less than 180 days following such release, except that if the
206 cardholder applied for renewal prior to the end of such period, the card shall remain valid after
207 the expiration date on the card for all lawful purposes, until the application for renewal is

208 approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of
209 criminal justice information services shall send electronically or by first class mail to the holder
210 of a firearm identification card, a notice of the expiration of the card not less than 90 days before
211 its expiration and shall enclose with the notice a form for the renewal of the card. The form for
212 renewal shall include an affidavit whereby the applicant shall verify that the applicant has not
213 lost a firearm or had a firearm stolen from the applicant's possession since the date of the
214 applicant's last renewal or issuance. The commissioner of criminal justice information services
215 shall include in the notice all pertinent information about the penalties that may be imposed if the
216 firearm identification card is not renewed. The commissioner of criminal justice information
217 services shall provide electronic notice of expiration only upon the request of a cardholder. A
218 request for electronic notice of expiration shall be forwarded to the department on a form
219 furnished by the commissioner. Any electronic address maintained by the department to provide
220 electronic notice of expiration shall be considered a firearms record and shall not be disclosed
221 except as provided in section 10 of chapter 66.

222 (9A) Except as provided in paragraph (9B), the fee for an application for a firearm
223 identification card shall be \$100, which shall be payable to the licensing agent and shall not be
224 prorated or refunded in the case of revocation or denial. The licensing agent shall retain \$25 of
225 the fee; \$50 of the fee shall be deposited in the General Fund; and \$25 of the fee shall be
226 deposited in the Firearms Fingerprint Identity Verification Trust Fund. Notwithstanding any
227 general or special law to the contrary, licensing authorities shall deposit quarterly that portion of
228 the firearm identification card application fee which is to be deposited into the General Fund, not
229 later than January 1, April 1, July 1 and October 1 of each year.

230 (9B) The application fee for a firearm identification card issued for the sole purpose of
231 purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or
232 powder designed to temporarily incapacitate shall be \$25, which shall be payable to the licensing
233 agent and shall not be prorated or refunded in the case of revocation or denial. The licensing
234 agent shall retain 50 per cent of the fee and the remaining portion shall be deposited in the
235 General Fund. Notwithstanding any general or special law to the contrary, licensing authorities
236 shall deposit quarterly that portion of the firearm identification card application fee which is to
237 be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of
238 each year. There shall be no application fee for the renewal of a firearm identification card issued
239 under this paragraph.

240 A firearm identification card issued under this paragraph shall display, in clear and
241 conspicuous language, that the card shall be valid only for the purpose of purchasing or
242 possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder
243 designed to temporarily incapacitate.

244 (9C) Except as provided in paragraph (9B), the fee for an application for a firearm
245 identification card for any person under the age of 18 shall be \$25, which shall be payable to the
246 licensing agent and shall not be prorated or refunded in the case of revocation or denial. The
247 licensing agent shall retain 50 per cent of the fee and the remaining portion shall be deposited
248 into the General Fund. Notwithstanding any general or special law to the contrary, licensing
249 authorities shall deposit quarterly that portion of the firearm identification card application fee
250 which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and
251 October 1 of each year.

252 (10) Any person over the age of 70 shall be exempt from the requirement of paying a fee
253 for a firearm identification card.

254 (11) Notwithstanding the provisions of section 10 of chapter 269, any person in
255 possession of a non-large capacity rifle or shotgun whose firearm identification card issued under
256 this section is invalid for the sole reason that it has expired, not including licenses that remain
257 valid under paragraph (9) because the licensee applied for renewal before the license expired, but
258 who shall not be disqualified from renewal upon application therefor under this section, shall be
259 subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of said
260 section 10 of said chapter 269 shall not apply; provided, however, that the exemption from the
261 provisions of said section 10 of said chapter 269 provided herein shall not apply if: (i) such
262 firearm identification card has been revoked or suspended, unless such revocation or suspension
263 was caused by failure to give notice of a change of address as required under this section; (ii)
264 revocation or suspension of such firearm identification card is pending, unless such revocation or
265 suspension was caused by failure to give notice of a change of address as required under this
266 section; or (iii) an application for renewal of such firearm identification card has been denied.
267 Any law enforcement officer who discovers a person to be in possession of a rifle or shotgun
268 after such person's firearm identification card has expired, meaning after 90 days beyond the
269 stated expiration date on the card, or has been revoked or suspended solely for failure to give
270 notice of a change of address shall confiscate any rifle or shotgun and such expired or suspended
271 card then in possession, and such officer shall forward such card to the licensing agent by whom
272 it was issued as soon as practicable. Any confiscated weapon shall be returned to the owner upon
273 the renewal or reinstatement of such expired or suspended card within one year of such
274 confiscation or such weapon may be otherwise disposed of in accordance with the provisions of

275 section 129D. Pending the issuance of a renewed firearm identification card, a receipt for the fee
276 paid, after five days following issuance, shall serve as a valid substitute and any rifle or shotgun
277 so confiscated shall be returned, unless the applicant is disqualified. The provisions of this
278 paragraph shall not apply if such person has a valid license to carry firearms issued under section
279 131 or 131F.

280 (12) Upon issuance of a firearm identification card under this section, the licensing agent
281 shall forward a copy of such approved application and card to the executive director of the
282 criminal history systems board, who shall inform the licensing agent forthwith of the existence of
283 any disqualifying condition discovered or occurring subsequent to the issuance of a firearm
284 identification card under this section.

285 (13) Nothing in this section shall authorize the purchase, possession or transfer of any
286 weapon, ammunition or feeding device that is, or in such manner that is, prohibited by state or
287 federal law.

288 (14) The secretary of the executive office of public safety, or his designee, may
289 promulgate regulations to carry out the purposes of this section.

290 (15) Whoever knowingly issues a license or delays an application in violation of this
291 section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by
292 imprisonment for not less than six months nor more than two years in a jail or house of
293 correction, or by both such fine and imprisonment. Any applicant aggrieved by a delayed
294 application may seek action in district court. Any court fees involved will be the sole
295 responsibility of the offending licensing agent.

296 SECTION 7. Section 131. The issuance and possession of a license to carry firearms shall
297 be subject to the following conditions:

298 (1) Any person who is at the time of the application is of the age of 21 or older residing
299 or having a place of business within the jurisdiction of the licensing agent or any person residing
300 in an area of exclusive federal jurisdiction located within a city or town may submit to the
301 licensing agent an application for a license to carry firearms, or renewal of the same, which the
302 licensing agent shall issue if the applicant is not a prohibited person under section 121 of this
303 chapter.

304 (2) Within seven days of the receipt of a completed application for a license, the licensing
305 agent shall forward one copy of the application and one copy of the applicant's fingerprints to the
306 colonel of state police, who shall, within 30 days, advise the licensing agent, in writing, of any
307 disqualifying criminal record of the applicant arising from within or without the commonwealth
308 and whether the applicant is a prohibited person; provided, however, that the taking of
309 fingerprints shall not be required in issuing the renewal of a card. In searching for any
310 disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files
311 maintained by the department of mental health, department of probation and statewide and
312 nationwide criminal justice, warrant and protection order information systems and files
313 including, but not limited to, the National Instant Criminal Background Check System. If the
314 information available to the colonel does not indicate that the applicant is not a prohibited person
315 under state or federal law, he shall certify such fact, in writing, to the licensing agent within such
316 30 day period.

317 The licensing agent shall provide to the applicant a receipt indicating that it received the
318 applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the
319 application was received through the Massachusetts Gun Transaction Portal or by mail or
320 immediately if the application was made in person; provided, however, that the receipt shall
321 include the applicants' name, address, current license to carry number, if any, the current card's
322 expiration date, if any, the date when the application was received by the licensing agent, the
323 name of the licensing agent and its agent that received the application, the licensing agent's
324 address and telephone number, the type of application and whether it is an application for a new
325 license or for renewal of an existing license; and provided further, that a copy of the receipt shall
326 be kept by the licensing agent for not less than 1 year and a copy shall be furnished to the
327 applicant if requested by the applicant.

328 (3) The licensing agent shall not prescribe any other condition for the issuance of a
329 license to carry and shall, and within 40 days from the date of application, either approve the
330 application and issue the license or deny the application and notify the applicant of the specific
331 reason, including a copy of the official record for which they are a prohibited person in writing.
332 If, upon expiration of 40-days, the license has not been issued, it shall issue automatically upon
333 the applicant's request.

334 (4) A license to carry shall be revoked or suspended by the licensing agent or his
335 designee upon the occurrence of any event that would have disqualified the holder from being
336 issued such license or from having such license renewed or for a violation of a restriction
337 provided under this section. Any revocation or suspension of a license shall be in writing and
338 shall state the reasons therefor including a copy of the official record for which they are a
339 prohibited person. Upon revocation or suspension, the licensing agent shall take possession of

340 such license and receipt for fee paid for such license, and the person whose license is so revoked
341 or suspended shall take all action required under the provisions of section 129D. No appeal or
342 post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation
343 and suspension shall be forwarded to the commissioner of the department of criminal justice
344 information services and the commissioner of probation and shall be included in the criminal
345 justice information system. A revoked or suspended license shall be reinstated upon the
346 termination of all disqualifying conditions.

347 (5) Any applicant or holder aggrieved by a denial, revocation or suspension of a license
348 to carry firearms, unless a hearing has previously been held pursuant to chapter 209A, may,
349 within either one year after receipt of notice of such denial, revocation or suspension or within
350 one year after the expiration of the time limit in which the licensing agent is required to respond
351 to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in
352 the city or town wherein the applicant filed for or was issued such license. A justice of such
353 court, after a hearing, shall direct that a license be issued or reinstated to the petitioner if the
354 justice finds that such petitioner is not prohibited by law from possessing such license.

355 In addition, each applicant should receive, at the time they are given their receipt, a copy
356 of the Firearms License Applicant's Bill of Rights which should include, but should not be
357 limited to, the following language:

358 You have the right to apply for a License to Carry or Firearms Identification Card in the
359 town in which you live, or own a primary business. Chapter 140 Section 129B, 131

360 The Licensing Agent must provide a receipt at the time the application is made. Or, in the
361 case of an application made by mail, the applicant shall receive a receipt within 7 days. Chapter
362 140 section 129, 131(e)

363 The Licensing Agent has 40 days from the date of application to issue the license, or
364 provide a letter explaining why you were denied. Chapter 140 Section 129, 131(e)

365 Following the expiration of said 40-days, if the license has not been issued, it shall issue
366 automatically upon your request.

367 You have the right to appeal a license denial within 90 days at your local district court.
368 Chapter 140 section 129(5), 131(f)

369 (6) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow,
370 possess and carry: (i) firearms, including large capacity firearms, and feeding devices and
371 ammunition therefor, for all lawful purposes (ii) rifles and shotguns, including large capacity
372 weapons, and feeding devices and ammunition therefor, for all lawful purposes.

373 (7) A license to carry firearms shall be in a standard form provided by the commissioner
374 of the department of criminal justice information services in a size and shape equivalent to that
375 of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section
376 8 of chapter 90 and shall contain an identification number, name, address, photograph, place and
377 date of birth, height, weight, hair color, eye color and signature of the cardholder and shall be
378 marked "Firearm Identification Card" and shall provide in a legible font size and style the phone
379 numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline.

380 (8) Any person who knowingly files an application containing false information shall be
381 punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less
382 than six months nor more than two years in a house of correction, or by both such fine and
383 imprisonment.

384 (9) A license to carry firearms shall be valid, unless revoked or suspended, for a period of
385 not more than 6 years from the date of issuance, except that if the license holder applied for
386 renewal before the license expired, the license shall remain valid after the expiration date on the
387 license for all lawful purposes, until the application for renewal is approved or denied; provided,
388 however, if the license holder is on active duty with the armed forces of the United States on the
389 expiration date of the license, the license shall remain valid until the license holder is released
390 from active duty and for a period of not less than 180 days following such release, except that if
391 the license holder applied for renewal prior to the end of such period, the license shall remain
392 valid after the expiration date on the license for all lawful purposes, until the application for
393 renewal is approved or denied. A license issued on February 29 shall expire on March 1. The
394 commissioner of criminal justice information services shall send electronically or by first class
395 mail to the holder of a firearm identification license, a notice of the expiration of the license not
396 less than 90 days before its expiration and shall enclose with the notice a form for the renewal of
397 the license. The form for renewal shall include an affidavit whereby the applicant shall verify
398 that the applicant has not lost a firearm or had a firearm stolen from the applicant's possession
399 since the date of the applicant's last renewal or issuance. The commissioner of criminal justice
400 information services shall include in the notice all pertinent information about the penalties that
401 may be imposed if the firearm identification license is not renewed. The commissioner of
402 criminal justice information services shall provide electronic notice of expiration only upon the

403 request of a license holder. A request for electronic notice of expiration shall be forwarded to the
404 department on a form furnished by the commissioner. Any electronic address maintained by the
405 department to provide electronic notice of expiration shall be considered a firearms record and
406 shall not be disclosed except as provided in section 10 of chapter 66.

407 (10) The fee for an application for a license to carry firearms shall be \$100, which shall
408 be payable to the licensing agent and shall not be prorated or refunded in the case of revocation
409 or denial. The licensing agent shall retain \$25 of the fee; \$50 of the fee shall be deposited in the
410 General Fund and not less than \$50,000 of the funds deposited into the General Fund shall be
411 allocated to the Firearm Licensing Review Board; and \$25 of the fee shall be deposited in the
412 Firearms Fingerprint Identity Verification Trust Fund. Notwithstanding any general or special
413 law to the contrary, licensing authorities shall deposit quarterly that portion of the license to
414 carry firearms application fee which is to be deposited into the General Fund, not later than
415 January 1, April 1, July 1 and October 1 of each year.

416 (11) Any person over the age of 70 shall be exempt from the requirement of paying a fee
417 for a license to carry firearms.

418 (12) Notwithstanding the provisions of section 10 of chapter 269, any person in
419 possession of a non-large capacity rifle or shotgun whose license to carry firearms issued under
420 this section is invalid for the sole reason that it has expired, not including licenses that remain
421 valid under paragraph (9) because the licensee applied for renewal before the license expired, but
422 who shall not be disqualified from renewal upon application therefor under this section, shall be
423 subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of said
424 section 10 of said chapter 269 shall not apply; provided, however, that the exemption from the

425 provisions of said section 10 of said chapter 269 provided herein shall not apply if: (i) such
426 license to carry firearms has been revoked or suspended, unless such revocation or suspension
427 was caused by failure to give notice of a change of address as required under this section; (ii)
428 revocation or suspension of such license to carry firearms is pending, unless such revocation or
429 suspension was caused by failure to give notice of a change of address as required under this
430 section; or (iii) an application for renewal of such license to carry firearms has been denied. Any
431 law enforcement officer who discovers a person to be in possession of a rifle or shotgun after
432 such person's license to carry firearms has expired, meaning after 90 days beyond the stated
433 expiration date on the license, or has been revoked or suspended solely for failure to give notice
434 of a change of address shall confiscate any rifle or shotgun and such expired or suspended
435 license then in possession, and such officer shall forward such license to the licensing agent by
436 whom it was issued as soon as practicable. Any confiscated weapon shall be returned to the
437 owner upon the renewal or reinstatement of such expired or suspended license within one year of
438 such confiscation or such weapon may be otherwise disposed of in accordance with the
439 provisions of section 129D. Pending the issuance of a renewed license to carry firearms, a receipt
440 for the fee paid, after five days following issuance, shall serve as a valid substitute and any rifle
441 or shotgun so confiscated shall be returned, unless the applicant is disqualified. The provisions of
442 this paragraph shall not apply if such person has a valid license to carry firearms issued under
443 section 131 or 131F.

444 (12) Upon issuance of a license to carry firearms under this section, the licensing agent
445 shall forward a copy of such approved application and card to the executive director of the
446 criminal history systems board, who shall inform the licensing agent forthwith of the existence of

447 any disqualifying condition discovered or occurring subsequent to the issuance of a license to
448 carry firearms under this section.

449 (13) Nothing in this section shall authorize the purchase, possession or transfer of any
450 weapon, ammunition or feeding device that is, or in such manner that is, prohibited by state or
451 federal law.

452 (14) No license to carry shall be required for the possession of an unloaded large capacity
453 rifle or shotgun or an unloaded feeding device therefor by a veteran's organization chartered by
454 the Congress of the United States, chartered by the commonwealth or recognized as a nonprofit
455 tax-exempt organization by the Internal Revenue Service, or by the members of any such
456 organization when on official parade duty or during ceremonial occasions. For purposes of this
457 subparagraph, an "unloaded large capacity rifle or shotgun" and an "unloaded feeding device
458 therefor" shall include any large capacity rifle, shotgun or feeding device therefor loaded with a
459 blank cartridge or blank cartridges, so-called, which contain no projectile within such blank or
460 blanks or within the bore or chamber of such large capacity rifle or shotgun.

461 (16) The secretary of the executive office of public safety, or his designee, may
462 promulgate regulations to carry out the purposes of this section.

463 (17) No license shall be required for the carrying or possession of a firearm known as a
464 detonator and commonly used on vehicles as a signaling and marking device, when carried or
465 possessed for such signaling or marking purposes.

466 (18) Whoever knowingly issues a license or delays an application in violation of this
467 section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by
468 imprisonment for not less than six months nor more than two years in a jail or house of

469 correction, or by both such fine and imprisonment. Any applicant aggrieved by a delayed
470 application may seek action in district court. Any court fees involved will be the sole
471 responsibility of the offending licensing agent.

472 (19) Notwithstanding the provisions of section 10 of chapter 269, any person in
473 possession of a firearm, rifle or shotgun whose license issued under this section is invalid for the
474 sole reason that it has expired, not including licenses that remain valid under paragraph (i)
475 because the licensee applied for renewal before the license expired, but who shall not be
476 disqualified from renewal upon application therefor pursuant to this section, shall be subject to a
477 civil fine of not less than \$100 nor more than \$5,000 and the provisions of section 10 of chapter
478 269 shall not apply; provided, however, that the exemption from the provisions of said section 10
479 of said chapter 269 provided herein shall not apply if: (i) such license has been revoked or
480 suspended, unless such revocation or suspension was caused by failure to give notice of a change
481 of address as required under this section; (ii) revocation or suspension of such license is pending,
482 unless such revocation or suspension was caused by failure to give notice of a change of address
483 as required under this section; or (iii) an application for renewal of such license has been denied.
484 Any law enforcement officer who discovers a person to be in possession of a firearm, rifle or
485 shotgun after such person's license has expired, meaning after 90 days beyond the stated
486 expiration date on the license, has been revoked or suspended, the officer shall, at the time of
487 confiscation, provide to the person whose firearm, rifle or shotgun has been confiscated, a
488 written inventory and receipt for all firearms, rifles or shotguns confiscated and the officer and
489 his employer shall exercise due care in the handling, holding and storage of these items. Any
490 confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such
491 expired or suspended license within one year of such confiscation or may be otherwise disposed

492 of in accordance with the provisions of section 129D. The provisions of this paragraph shall not
493 apply if such person has a valid license to carry firearms issued under section 131F.

494 (20) No person shall be issued a license to carry or possess a machine gun in the
495 commonwealth, except that a licensing agent or the colonel of state police may issue a machine
496 gun license to:

497 (i) a firearm instructor certified by the municipal police training committee for the sole
498 purpose of firearm instruction to police personnel;

499 (ii) a bona fide collector of firearms upon application or upon application for renewal of
500 such license.

501 Clauses (i) and (ii) of this paragraph shall not apply to bump stocks and trigger cranks.

502 (21) The executive director of the criminal history systems board shall promulgate
503 regulations in accordance with chapter 30A to establish criteria for persons who shall be
504 classified as bona fide collectors of firearms.

505 SECTION 8. Section 131F. A non-resident license to carry firearms shall be issued by the
506 colonel of state police, or persons authorized by him, to a nonresident or any person not falling
507 within the jurisdiction of a local licensing agent or to an alien that resides outside the
508 commonwealth who is of the age of 21 years or older and is not a prohibited person. The
509 licensing agent shall not prescribe any other condition for the issuance of a non-resident license
510 to carry firearms.

511 Such license shall be valid for a period of six (6) years.

512 A license shall entitle a holder thereof of a license to rent, lease, borrow, possess and
513 carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition
514 therefor, for all lawful purposes (ii) rifles and shotguns, including large capacity weapons, and
515 feeding devices and ammunition therefor, for all lawful purposes.

516 A license issued pursuant to this section shall be clearly marked " Non-Resident License
517 to Carry Firearms" and shall not be used to purchase firearms in the commonwealth as provided
518 in section 131E.

519 A large capacity firearm and a large capacity feeding device therefor may be carried if
520 the person has been issued a license. The fee for an application for the license or a renewal shall
521 be \$100, which shall be payable to the licensing agent and shall not be prorated or refunded in
522 case of revocation or denial. The licensing agent shall retain \$25 of the fee; \$50 of the fee shall
523 be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in
524 the Firearms Fingerprint Identity Verification Trust Fund.

525 A license, otherwise in accordance with provisions of this section, shall be issued to a
526 nonresident employee, whose application is endorsed by his employer, of a federally licensed
527 Massachusetts manufacturer of machine guns to possess within the commonwealth a machine
528 gun for the purpose of transporting or testing relative to the manufacture of machine guns, and
529 the license shall be marked "temporary license to possess a machine gun" and may be issued for
530 any term not to exceed six years and shall expire in accordance with the provisions of section
531 one hundred and thirty-one.

532 SECTION 9. Section 131P of Chapter 140 of the Massachusetts General Laws is hereby
533 repealed.