

HOUSE No. 2358

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky and Jack Patrick Lewis

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 updating the Massachusetts assault weapons ban.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/19/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/19/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>1/31/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/6/2023</i>

HOUSE No. 2358

By Representatives Linsky of Natick and Lewis of Framingham, a petition (accompanied by bill, House, No. 2358) of David Paul Linsky, Jack Patrick Lewis and others relative to the assault weapons ban. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act updating the Massachusetts assault weapons ban.

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 120 of chapter 140 of the General laws is hereby amended by
2 striking out “Repealed” and inserting in place thereof the following:

3 Section 120. Assault weapon definitions.

4 (1) “Assault weapon” means any of the following, except as provided in subsection (2) of
5 this subsection:

6 (A) A semiautomatic rifle that has the capacity to accept a detachable magazine, or that
7 may be readily modified to accept a detachable magazine, and has one or more of the following:

8 (i) A pistol grip, thumbhole stock, or any other characteristic that can function as a
9 grip;

10 (ii) Any feature capable of functioning as a protruding grip that can be held by the
11 non-trigger hand;

12 (iii) A folding, telescoping, or detachable stock, or a stock that is otherwise foldable
13 or adjustable in a manner that operates to reduce the length, size, or any other dimension, or
14 otherwise enhances the concealability of the weapon;

15 (iv) A flash suppressor;

16 (v) A grenade launcher;

17 (vi) A shroud attached to the barrel, or that partially or completely encircles the barrel,
18 allowing the bearer to hold the firearm with the non-trigger hand without being burned, but
19 excluding a slide that encloses the barrel.

20 (B) A semiautomatic rifle that has a fixed large capacity feeding device, as defined in
21 section 121.

22 (C) A .50 caliber rifle.

23 (D) A semiautomatic pistol that has the capacity to accept a detachable magazine, or that
24 may be readily modified to accept a detachable magazine, if the firearm has one or more of the
25 following:

26 A threaded barrel;

27 A second pistol grip, or another feature capable of functioning as a protruding grip that
28 can be held by the non-trigger hand;

29 A shroud attached to the barrel, or that partially or completely encircles the barrel,
30 allowing the bearer to hold the firearm with the non-trigger hand without being burned, but
31 excluding a slide that encloses the barrel;

32 A flash suppressor;

33 The capacity to accept a detachable magazine at some location outside of the pistol grip;

34 A manufactured weight of 50 ounces or more when unloaded; or

35 A buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip
36 and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.

37 (E) A semiautomatic pistol that has a fixed large capacity feeding device, as defined in
38 section 121.

39 (F) Any shotgun with a revolving cylinder.

40 (G) A semiautomatic shotgun that has one or more of the following:

41 (i) A pistol grip, thumbhole stock, or any other characteristic that can function as a grip;

42 (ii) Any feature capable of functioning as a protruding grip that can be held by the
43 non-trigger hand;

44 (iii) ; A folding, telescoping, or detachable stock, or a stock that is otherwise foldable or
45 adjustable in a manner that operates to reduce the length, size, or any other dimension, or
46 otherwise enhances the concealability of the weapon

47 (iv) A grenade launcher;

48 (v) A fixed magazine with the capacity to accept more than five rounds; or

49 (vi) The capacity to accept a detachable magazine.

50 (H) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding
51 device.

52 (I) Any firearm which has been modified to be operable as an assault weapon as defined
53 herein.

54 (J) Any part or combination of parts designed or intended to convert a firearm into an
55 assault weapon, including any combination of parts from which an assault weapon may be
56 readily assembled if those parts are in the possession or under the control of the same person.

57 (K) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the
58 capability of any such weapon:

59 (i) All AK types, including the following:

60 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91,
61 SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

62 (II) IZHMAASH Saiga AK.

63 (III) MAADI AK47 and ARM.

64 (IV) Norinco 56S, 56S2, 84S, and 86S.

65 (V) Poly Technologies AK47 and AKS.

66 (VI) SKS with a detachable magazine.

67 (ii) All AR types, including the following:

68 (I) AR-10.

- 69 (II) AR-15.
- 70 (III) Alexander Arms Overmatch Plus 16.
- 71 (IV) Armalite M15 22LR Carbine.
- 72 (V) Armalite M15-T.
- 73 (VI) Barrett REC7.
- 74 (VII) Beretta AR-70.
- 75 (VIII) Black Rain Ordnance Recon Scout.
- 76 (IX) Bushmaster ACR.
- 77 (X) Bushmaster Carbon 15.
- 78 (XI) Bushmaster MOE series.
- 79 (XII) Bushmaster XM15.
- 80 (XIII) Chiappa Firearms MFour rifles.
- 81 (XIV) Colt Match Target rifles.
- 82 (XV) CORE Rifle Systems CORE15 rifles.
- 83 (XVI) Daniel Defense M4A1 rifles.
- 84 (XVII) Devil Dog Arms 15 Series rifles.
- 85 (XVIII) Diamondback DB15 rifles.

- 86 (XIX) DoubleStar AR rifles.
- 87 (XX) DPMS Tactical rifles.
- 88 (XXI) DSA Inc. ZM-4 Carbine.
- 89 (XXII) Heckler & Koch MR556.
- 90 (XXIII) High Standard HSA-15 rifles.
- 91 (XXIV) Jesse James Nomad AR-15 rifle.
- 92 (XXV) Knight's Armament SR-15.
- 93 (XXVI) Lancer L15 rifles.
- 94 (XXVII) MGI Hydra Series rifles.
- 95 (XXVIII) Mossberg MMR Tactical rifles.
- 96 (XXIX) Noreen Firearms BN 36 rifle.
- 97 (XXX) Olympic Arms.
- 98 (XXXI) POF USA P415.
- 99 (XXXII) Precision Firearms AR rifles.
- 100 (XXXIII) Remington R-15 rifles.
- 101 (XXXIV) Rhino Arms AR rifles.
- 102 (XXXV) Rock River Arms LAR-15 or Rock River Arms LAR-47.

- 103 (XXXVI) Sig Sauer SIG516 rifles and MCX rifles.
- 104 (XXXVII) Smith & Wesson M&P15 rifles.
- 105 (XXXVIII) Stag Arms AR rifles.
- 106 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556 rifles.
- 107 (XL) Usselton Arms Air-Lite M-4 rifles.
- 108 (XLI) "WEE1 Tactical JR-15 rifle
- 109 (XLII) Windham Weaponry AR rifles.
- 110 (XLIII) WMD Guns Big Beast.
- 111 (XLIV) Yankee Hill Machine Company, Inc. YHM-15 rifles.
- 112 (iii) Barrett M107A1.
- 113 (iv) Barrett M82A1.
- 114 (v) Beretta CX4 Storm.
- 115 (vi) Calico Liberty Series.
- 116 (vii) CETME Sporter.
- 117 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- 118 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter,
- 119 PS90, SCAR, and FS2000.
- 120 (x) Feather Industries AT-9.

- 121 (xi) Galil Model AR and Model ARM.
- 122 (xii) Hi-Point Carbine.
- 123 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- 124 (xiv) IWI TAVOR, Galil ACE rifle.
- 125 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- 126 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.
- 127 (xvii) Springfield Armory SAR-48.
- 128 (xviii) Steyr AUG.
- 129 (xix) Sturm, Ruger & Co. LC Carbine
- 130 (xx) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.
- 131 (xxi) All Thompson rifles, including the following:
- 132 (I) Thompson M1SB.
- 133 (II) Thompson T1100D.
- 134 (III) Thompson T150D.
- 135 (IV) Thompson T1B.
- 136 (V) Thompson T1B100D.
- 137 (VI) Thompson T1B50D.

- 138 (VII) Thompson T1BSB.
- 139 (VIII) Thompson T1-C.
- 140 (IX) Thompson T1D.
- 141 (X) Thompson T1SB.
- 142 (XI) Thompson T5.
- 143 (XII) Thompson T5100D.
- 144 (XIII) Thompson TM1.
- 145 (XIV) Thompson TM1C.
- 146 (xxii) UMAREX UZI rifle.
- 147 (xxiii) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.
- 148 (xxiv) Valmet M62S, M71S, and M78.
- 149 (xxv) Vector Arms UZI Type.
- 150 (xxvi) Weaver Arms Nighthawk.
- 151 (xxvii) Wilkinson Arms Linda Carbine.
- 152 (L) All of the following pistols, copies, duplicates, variants, or altered facsimiles with the
- 153 capability of any such weapon thereof:
- 154 (i) All AK types, including the following:
- 155 (I) Centurion 39 AK pistol.

- 156 (II) CZ Scorpion pistol.
- 157 (III) Draco AK-47 pistol.
- 158 (IV) HCR AK-47 pistol.
- 159 (V) IO Inc. Hellpup AK-47 pistol.
- 160 (VI) Krinkov pistol.
- 161 (VII) Mini Draco AK-47 pistol.
- 162 (VIII) PAP M92 pistol.
- 163 (IX) Yugo Krebs Krink pistol.
- 164 (ii) All AR types, including the following:
- 165 (I) American Spirit AR-15 pistol.
- 166 (II) Bushmaster Carbon 15 pistol.
- 167 (III) Chiappa Firearms M4 Pistol GEN II.
- 168 (IV) CORE Rifle Systems CORE15 Roscoe pistol.
- 169 (V) Daniel Defense MK18 pistol.
- 170 (VI) DoubleStar Corporation AR pistol.
- 171 (VII) DPMS AR-15 pistol.
- 172 (VIII) Jesse James Nomad AR-15 pistol.

- 173 (IX) Olympic Arms AR-15 pistol.
- 174 (X) Osprey Armament MK-18 pistol.
- 175 (XI) POF USA AR pistols.
- 176 (XII) Rock River Arms LAR 15 pistol.
- 177 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 178 (iii) Calico pistols.
- 179 (iv) DSA SA58 PKP FAL pistol.
- 180 (v) Encom MP-9 and MP-45.
- 181 (vi) Heckler & Koch model SP-89 pistol.
- 182 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.
- 183 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 184 (ix) Kel-Tec PLR 16 pistol.
- 185 (x) All MAC types, including the following:
- 186 (I) MAC-10.
- 187 (II) MAC-11.
- 188 (III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol,
189 and MPA Mini Tactical Pistol.
- 190 (IV) Military Armament Corp. Ingram M-11.

- 191 (V) Velocity Arms VMAC.
- 192 (xi) Sig Sauer P556 pistol.
- 193 (xii) Sites Spectre.
- 194 (xiii) All Thompson types, including the following:
- 195 (I) Thompson TA510D.
- 196 (II) Thompson TA5.
- 197 (xiv) All UZI types, including Micro-UZI.
- 198 (M) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with
199 the capability of any such weapon thereof:
- 200 (i) DERYA Anakon MC-1980, Anakon SD12.
- 201 (ii) Doruk Lethal shotguns.
- 202 (iii) Franchi LAW-12 and SPAS 12.
- 203 (iv) All IZHMAASH Saiga 12 types, including the following:
- 204 (I) IZHMAASH Saiga 12.
- 205 (II) IZHMAASH Saiga 12S.
- 206 (III) IZHMAASH Saiga 12S EXP-01.
- 207 (IV) IZHMAASH Saiga 12K.
- 208 (V) IZHMAASH Saiga 12K-030.

209 (VI) IZHMAASH Saiga 12K–040 Taktika.

210 (v) Streetsweeper.

211 (vi) Striker 12.

212 (2) “Assault weapon” does not include:

213 (A) Any weapon that has been made permanently inoperable;

214 (B) An antique firearm, rifle, or shotgun manufactured before 1899, or a replica of an
215 antique;

216 (C) A firearm, rifle, or shotgun that is manually operated by bolt, pump, lever or slide
217 action, unless the weapon is a shotgun with a revolving cylinder.

218 (3) “Detachable magazine” means an ammunition feeding device that may be removed
219 from a firearm, rifle, or shotgun without disassembly of the firing action, including an
220 ammunition feeding device that may be readily removed from a firearm, rifle, or shotgun with
221 the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool.

222 (4) “Fixed magazine” means an ammunition feeding device that is permanently attached
223 to a firearm, rifle, or shotgun, or contained in and not removable from a firearm, rifle, or
224 shotgun, or that is otherwise not a detachable magazine, but does not include an attached tubular
225 device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

226 (5) “.50 caliber rifle” means:

227 (i) A rifle capable of firing a centerfire cartridge in .50 BMG caliber, including a 12.7
228 mm equivalent of .50 BMG and any other metric equivalent; or

229 (ii) A copy or duplicate of any rifle described in subparagraph (i) of this paragraph if such
230 rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater
231 in any combination of bullet, propellant, case or primer.

232 (6) The term “.50 caliber rifle” does not include any antique firearm, any shotgun
233 including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for
234 hunting or historical re-enactments.

235 (7) The term “cartridge in .50 BMG caliber” does not include any memorabilia or display
236 item that is filled with a permanent inert substance or that is otherwise permanently altered in a
237 manner that prevents ready modification for use as live ammunition or shotgun ammunition.

238 SECTION 3. Section 121 of chapter 140 of the General Laws is hereby amended by
239 striking out the definition of “Assault weapon” and inserting in place thereof the following
240 definition:

241 “Assault weapon”, shall have the meaning provided in section 120.

242 SECTION 4. Said Section 121 of chapter 140 of the General Laws is hereby further
243 amended by striking the definition of “Large capacity weapon”:

244 “Large capacity weapon”, any firearm, rifle or shotgun: (i) that is semiautomatic with a
245 fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or
246 readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a
247 rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm
248 and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault
249 weapon. The term “large capacity weapon” shall be a secondary designation and shall apply to a

250 weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include:
251 (i) any weapon that was manufactured in or prior to the year 1899; (ii) any weapon that operates
252 by manual bolt, pump, lever or slide action; (iii) any weapon that is a single-shot weapon; (iv)
253 any weapon that has been modified so as to render it permanently inoperable or otherwise
254 rendered permanently unable to be designated a large capacity weapon; or (v) any weapon that is
255 an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and
256 which is not intended for use as a functional weapon and cannot be readily modified through a
257 combination of available parts into an operable large capacity weapon.

258 SECTION 5. Said Section 121 of chapter 140 of the General Laws is hereby amended by
259 amending the definition of “Machine gun” as follows:

260 “Machine gun”, a weapon of any description, by whatever name known, loaded or
261 unloaded, from which a number of shots or bullets may be rapidly or automatically discharged
262 by one continuous activation of the trigger, including a submachine gun; provided, however, that
263 “machine gun” shall include bump stocks, trigger cranks, and any other rapid-fire trigger
264 activators.

265 SECTION 6. Said Section 121 of chapter 140 of the General Laws is hereby amended by
266 inserting the following definition for “Rapid-fire trigger activator”:

267 “Rapid-fire trigger activator” means:

268 (A) Any manual, power-driven, or electronic device that is designed to and functions to
269 increase the rate of fire of a semiautomatic firearm, rifle, or shotgun when the device is attached
270 to the weapon;

271 (B) Any part of a semiautomatic firearm, rifle, or shotgun or combination of parts that is
272 designed to and functions to increase the rate of fire of a semiautomatic firearm, rifle, or shotgun
273 by eliminating the need for the operator of the weapon to make a separate movement for each
274 individual function of the trigger; or

275 (C) Any other device, part, or combination of parts that is designed to and functions to
276 substantially increase the rate of fire of a semiautomatic firearm, rifle, or shotgun above the
277 standard rate of fire for semiautomatic weapons that are not equipped with that device, part, or
278 combination of parts.

279 SECTION 7. Section 123 of chapter 140 of the General Laws is hereby amended by
280 amending the Second, Seventh, Eighth, Thirteenth, Sixteenth, and Seventeenth Paragraphs as
281 follows:

282 A license granted under section one hundred and twenty-two shall be expressed to be and
283 shall be subject to the following conditions:—

284 . . .

285 Second, That every licensee shall, before delivery of a firearm, rifle or shotgun make or
286 cause to be made a true, legible entry in a sales record book to be furnished by the commissioner
287 of the department of criminal justice information services and to be kept for that purpose,
288 specifying the complete description of the firearm, rifle or shotgun, including the make, serial
289 number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each
290 sale, rental or lease, the license to carry firearms number or permit to purchase number and the
291 identification card number in the case of a firearm or the identification card number or the
292 license to carry firearms number in the case of a rifle or shotgun, the sex, residence and

293 occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the
294 purchaser, renter or lessee personally to write in said sales record book his full name. Said book
295 shall be open at all times to the inspection of the police.

296 . . .

297 Seventh, That no delivery of a firearm shall be made to any person not having a license
298 to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any
299 delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having
300 a license to carry firearms issued under the provisions of section one hundred and thirty-one or a
301 firearm identification card issued under the provisions of section one hundred and twenty-nine B
302 provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit
303 to purchase said firearm issued under the provisions of section one hundred and thirty-one A and
304 a valid firearm identification card issued under section one hundred and twenty-nine B may be
305 made by the licensee to the purchaser's residence or place of business, subject to the restrictions
306 imposed upon such permits as provided under section 131A.

307 Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not
308 a permit then in force to purchase, rent or lease the same issued under section one hundred and
309 thirty-one A, and a firearm identification card issued under the provisions of section one
310 hundred and twenty-nine B, or unless such person has a license to carry firearms issued under
311 the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold,
312 rented or leased to a person who has not a valid firearm identification card as provided for in
313 section one hundred and twenty-nine B, or has a license to carry firearms as provided in section
314 one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any

315 person who has not a license to possess the same issued under section one hundred and thirty–
316 one.

317 . . .

318 Thirteenth, That the current validity of any firearm identification card, license to carry
319 firearms or permit to purchase, rent or lease firearms presented, and that the person presenting
320 said card, license or permit is the lawful holder thereof, shall be verified by the licensee prior to
321 any sale, rental or lease of a rifle, shotgun, firearm or large capacity feeding device; and, upon
322 being presented with such card or license that is expired, suspended or revoked, the licensee shall
323 notify the licensing authority of the presentment of such expired, suspended or revoked card,
324 license or permit; and further, the licensee may take possession of such card or license provided
325 that, in such case, such licensee shall: (i) issue a receipt, in a form provided by the commissioner
326 of the department of criminal justice information services, to the holder thereof which shall state
327 that the holder's card or license is expired, suspended or revoked, was taken by such licensee and
328 forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the
329 date of issuance for the purpose of providing immunity from prosecution under section 10 of
330 chapter 269 for unlawfully possessing a firearm, rifle or shotgun; (ii) notify the cardholder or
331 licensee of his requirement to renew said card or license; and (iii) forward such expired card or
332 license to the licensing authority forthwith; provided, however, that such licensee shall be
333 immune from civil and criminal liability for good faith compliance with the provisions herein.

334 . . .

335 Sixteenth, That no licensee shall sell, lease, rent, transfer or deliver or offer for sale,
336 lease, rent, transfer or delivery to any person any assault weapon or large capacity feeding
337 device, except as authorized by section 131M

338 Seventeenth, That any licensee from whom a rifle, shotgun, firearm or machine gun is
339 lost or stolen shall report such loss or theft to the licensing authority and the executive director of
340 the criminal history systems board forthwith. Such report shall include a complete description of
341 the weapon, including the make, model, serial number and caliber and whether such weapon is
342 an assault weapon.

343 SECTION 8. Section 129B of chapter 140 of the General Laws is hereby amended by
344 striking the term “non-large capacity” wherever it appears; replacing the term “large capacity
345 firearm” wherever it appears with “assault weapon”; and otherwise amending subsection (6) as
346 follows:

347 Subsection (1)(i): “. . . then the applicant’s right or ability to possess a rifle or shotgun
348 shall be deemed restored in the commonwealth with respect to such conviction or adjudication
349 and that conviction or adjudication shall not disqualify the applicant for a firearm identification
350 card;”

351 Subsection (2): “If the information available to the colonel does not indicate that the
352 possession of a rifle or shotgun by the applicant would be in violation of state or federal law.”

353 Subsection (6): “A firearm identification card shall not entitle a holder thereof to possess:
354 (i) an assault weapon or large capacity feeding device, except as provided under Section 131 and
355 131M. A firearm identification card shall not entitle a holder thereof to possess any rifle or
356 shotgun that is, or in such manner that is, otherwise prohibited by law. A firearm identification

357 card issued pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase
358 and possess chemical mace, pepper spray or other similarly propelled liquid, gas or powder
359 designed to temporarily incapacitate. Except as otherwise provided by law , a firearm
360 identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale,
361 lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is an assault weapon as
362 defined in section 120.”

363 Subsection (12): “Notwithstanding the provisions of section 10 of chapter 269, any
364 person in possession of a rifle or shotgun whose firearm identification card issued under this
365 section is invalid for the sole reason that it has expired, not including licenses that remain valid
366 under paragraph (9) because the licensee applied for renewal before the license expired but who
367 shall not be disqualified from renewal upon application therefor under this section, shall be
368 subject to a civil fine. . .”

369 SECTION 9. Section 130 of chapter 140 of the General Laws is hereby amended as
370 follows:

371 Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18 years of age or
372 older who does not hold a permit card issued to that alien pursuant to section 131H or, except as
373 provided in this section or section 131E, whoever sells or furnishes any alien or any person under
374 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any
375 person under 21 years of age a firearm or ammunition therefor shall have the license to sell
376 firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply
377 for such license for 10 years from the date of such revocation and shall be punished by a fine of
378 not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not more

379 than 10 years or by imprisonment in a house of correction for not more than 2½ years or by both
380 such fine and imprisonment.

381 SECTION 10. Section 131 of chapter 140 of the General Laws is hereby amended by
382 amending paragraphs (a), (b), (c), (e), (j), (o), and (r) as follows:

383 The issuance and possession of a license to carry firearms shall be subject to the
384 following conditions and restrictions:

385 (a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow,
386 possess and carry: (i) firearms and feeding devices and ammunition therefor, for all lawful
387 purposes; and (ii) rifles and shotguns and feeding devices and ammunition therefor, for all lawful
388 purposes.

389 (b) The colonel of state police may, after an investigation, grant a license to a club or
390 facility with an on-site shooting range or gallery, which club is incorporated under the laws of
391 the commonwealth for the possession, storage and use of assault weapons, ammunition therefor
392 and large capacity feeding devices for use with such weapons on the premises of the club;
393 provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to
394 be issued a license; and provided further, that such assault weapons and ammunition feeding
395 devices may be used under the club license only by a member that possesses a valid firearm
396 identification card issued pursuant to section 129B or a valid license to carry firearms, or by such
397 other person that the club permits while under the direct supervision of a certified firearms safety
398 instructor or club member who, in the case of a large capacity firearm, possesses a valid license
399 to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid license to
400 carry firearms. The club shall not permit shooting at targets that depict human figures, human

401 effigies, human silhouettes or any human images thereof, except by public safety personnel
402 performing in line with their official duties.

403 No assault weapon or large capacity feeding device shall be removed from the premises
404 except to: (i) transfer the weapon or feeding device to a licensed dealer; (ii) transport the firearm
405 or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on the
406 premises of another club incorporated under the laws of the commonwealth and to transport
407 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted
408 under the supervision of or approved by a public law enforcement agency or a nationally or state
409 recognized entity that promotes proficiency in or education about semiautomatic weapons and to
410 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the weapon or
411 feeding device pursuant to section 129D. Any assault weapon or large capacity feeding device
412 kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured
413 in a locked container and shall be unloaded during any lawful transport. The clerk or other
414 corporate officer of the club shall annually file a report with the colonel of state police and the
415 commissioner of the department of criminal justice information services listing all assault
416 weapons and large capacity feeding devices owned or possessed under the license. The colonel
417 or a designee may inspect all firearms owned or possessed by the club upon request during
418 regular business hours and the colonel may revoke or suspend a club license for a violation of
419 this chapter or chapter 269 relative to the ownership, use or possession of assault weapons or
420 large capacity feeding devices.

421 (c) A license to carry firearms shall be valid to own, possess, purchase and transfer rifles
422 and shotguns, consistent with the entitlements conferred by a firearm identification card issued
423 under section 129B.

424 . . .

425 (e) Within seven days of the receipt of a completed application for a license to carry or
426 possess firearms, or renewal of same, the licensing authority shall forward one copy of the
427 application and one copy of the applicant's fingerprints to the colonel of state police, who shall
428 within 30 days advise the licensing authority, in writing, of any disqualifying criminal record of
429 the applicant arising from within or without the commonwealth and whether there is reason to
430 believe that the applicant is disqualified for any of the foregoing reasons from possessing a
431 license to carry or possess firearms. In searching for any disqualifying history of the applicant,
432 the colonel shall utilize, or cause to be utilized, files maintained by the department of probation
433 and statewide and nationwide criminal justice, warrant and protection order information systems
434 and files including, but not limited to, the National Instant Criminal Background Check System.
435 The colonel shall inquire of the commissioner of the department of mental health relative to
436 whether the applicant is disqualified from being so licensed. If the information available to the
437 colonel does not indicate that the possession of a firearm by the applicant would be in violation
438 of state or federal law, the colonel shall certify such fact, in writing, to the licensing authority
439 within said 30 day period.

440 The licensing authority shall also make inquiries concerning the applicant to: (i) the
441 commissioner of the department of criminal justice information services relative to any
442 disqualifying condition and records of purchases, sales, rentals, leases and transfers of weapons
443 or ammunition concerning the applicant; (ii) the commissioner of probation relative to any
444 record contained within the department of probation or the statewide domestic violence record
445 keeping system concerning the applicant; and (iii) the commissioner of the department of mental
446 health relative to whether the applicant is a suitable person to possess firearms or is not a suitable

447 person to possess firearms. The director or commissioner to whom the licensing authority makes
448 such inquiry shall provide prompt and full cooperation for that purpose in any investigation of
449 the applicant.

450 The licensing authority shall, within 40 days from the date of application, either approve
451 the application and issue the license or deny the application and notify the applicant of the reason
452 for such denial in writing; provided, however, that no such license shall be issued unless the
453 colonel has certified, in writing, that the information available to the colonel does not indicate
454 that the possession of a firearm by the applicant would be in violation of state or federal law.

455 The licensing authority shall provide to the applicant a receipt indicating that it received
456 the application. The receipt shall be provided to the applicant within 7 days by mail if the
457 application was received by mail or immediately if the application was made in person;
458 provided, however, that the receipt shall include the applicant's name and address; current
459 license number and license expiration date, if any; the date the licensing authority received the
460 application; the name, address and telephone number of the licensing authority; the agent of the
461 licensing authority that received the application; the type of application; and whether the
462 application is for a new license or a renewal of an existing license. The licensing authority shall
463 keep a copy of the receipt for not less than 1 year and shall furnish a copy to the applicant if
464 requested by the applicant.

465 . . .

466 (j)

467 No license shall be required for the carrying or possession of a firearm known as a
468 detonator and commonly used on vehicles as a signaling and marking device, when carried or
469 possessed for such signaling or marking purposes.

470 . . .

471 (o) No person shall be issued a license to carry or possess a machine gun in the
472 commonwealth, except that a licensing authority or the colonel of state police may issue a
473 machine gun license to:

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

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

478 Clauses (i) and (ii) of this paragraph shall not apply to bump stocks, trigger cranks, and
479 other rapid-fire trigger activators.

480 . . .

481 (r) The secretary of the executive office of public safety or the secretary's designee may
482 promulgate regulations to carry out the purposes of this section.

483 SECTION 11. Section 131K of chapter 140 of the General Laws is hereby amended by
484 striking "or large capacity weapon, both" from the first sentence, as follows:

485 Any firearm as defined in section 121, sold within the commonwealth without a safety
486 device designed to prevent the discharge of such weapon by unauthorized users and approved by
487 the colonel of state police...

488 SECTION 12. Section 131F of chapter 140 of the General Laws is hereby amended as
489 follows:

490 A temporary license to carry firearms, rifles or shotguns or feeding devices or
491 ammunition therefor, within the commonwealth, shall be issued by the colonel of state police, or
492 persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a
493 local licensing authority or to an alien that resides outside the commonwealth for purposes of
494 firearms competition if it appears that the applicant is not a prohibited person and is not
495 determined unsuitable to be issued a license as set forth in section 131.

496 Such license shall be valid for a period of one year but the colonel may renew such
497 license if such renewal is necessary.

498 The colonel shall issue such license in accordance with the provisions of section 131 to
499 any resident of the commonwealth for the purposes of sports competition.

500 A temporary license issued pursuant to this section shall be clearly marked "Temporary
501 License to Carry Firearms" and shall not be used to purchase firearms in the commonwealth as
502 provided in section 131E. The fee for an application for the license shall be \$100, which shall be
503 payable to the licensing authority and shall not be prorated or refunded in case of revocation or
504 denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into
505 the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms
506 Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section

507 to a nonresident who is in the employ of a bank, public utility corporation, or a firm engaged in
508 the business of transferring monies, or business of similar nature, or a firm licensed as a private
509 detective under the provisions of chapter one hundred and forty-seven, and whose application is
510 endorsed by his employer, or who is a member of the armed services and is stationed within the
511 territorial boundaries of the commonwealth and has the written consent of his commanding
512 officer, may be issued for any term not to exceed two years, and said licenses shall expire in
513 accordance with the provisions of section one hundred and thirty-one.

514 A license, otherwise in accordance with provisions of this section, may be issued to a
515 nonresident employee, whose application is endorsed by his employer, of a federally licensed
516 Massachusetts manufacturer of machine guns to possess within the commonwealth a machine
517 gun for the purpose of transporting or testing relative to the manufacture of machine guns, and
518 the license shall be marked “temporary license to possess a machine gun” and may be issued for
519 any term not to exceed two years and shall expire in accordance with the provisions of section
520 one hundred and thirty-one. SECTION 13. Section 131M of chapter 140 of the General Laws is
521 hereby amended as follows:

522 Except as provided in subsection (G):

523 (A) No person shall knowingly manufacture, import, purchase, sell, offer for sale,
524 transfer ownership, or knowingly cause the manufacture, import, purchase, sale, or transfer of
525 ownership of an assault weapon or a large capacity feeding device. Whoever violates the
526 provisions of this subsection (A) shall be punished, for a first offense, by a fine of not less than
527 \$1,000 nor more than \$10,000 or by imprisonment for not more than ten years, or by both such

528 fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than
529 \$15,000 or by imprisonment for not more than 15 years, or by both such fine and imprisonment.

530 (B) No person shall knowingly possess a large capacity feeding device that was not
531 otherwise lawfully possessed on September 13, 1994. A violation of this subsection (B) shall be
532 punished, for a first offense, by a fine of not more than \$10,000 or by imprisonment for not more
533 than one year, or by both such fine and imprisonment, and for a second offense, by a fine of not
534 less than \$5,000 nor more than \$15,000 or by imprisonment for not more than two years, or by
535 both such fine and imprisonment.

536 (C) No person shall knowingly possess an assault weapon. A person who lawfully
537 possessed an assault weapon prior to the effective date of this Act shall not be in violation of this
538 subsection if the person does one of the following within 120 days of the effective date of this
539 Act:

540 (1) If eligible, obtain an assault weapons certification authorizing the person to remain in
541 possession of the assault weapon;

542 (2) Remove the assault weapon from the Commonwealth of Massachusetts;

543 (3) Render the assault weapon permanently inoperable or modified such that it is no
544 longer an assault weapon; or

545 (4) Transfer the assault weapon to a dealer licensed under the provisions of section 122
546 or to a law enforcement agency.

547 A violation of this subsection (C) shall be punished, for a first offense, by a fine of not
548 more than \$10,000 or by imprisonment for not more than one year, or by both such fine and

549 imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000
550 or by imprisonment for not more than 5 years, or by both such fine and imprisonment.

551 (D) A person who lawfully possessed an assault weapon prior to the effective date of this
552 Act may submit an application for an assault weapons certification to the Department of
553 Criminal Justice Information Services, under oath or affirmation and in a form and manner
554 prescribed by the Department, authorizing the person to possess such an assault weapon in
555 accordance with this section. An assault weapons certification shall not authorize a person to
556 acquire or possess other assault weapons that the person did not lawfully possess prior to the
557 effective date of this Act.

558 (E) The Department of Criminal Justice Information Services shall issue an assault
559 weapons certification to an applicant who lawfully possessed an assault weapon prior to the
560 effective date of this Act, if the applicant demonstrates all of the following qualifications:

561 (1) Is at least 21 years of age;

562 (2) Has a valid Firearm Identification Card or License to Carry for the assault weapon;

563 (3) Is not legally prohibited from possessing the firearm under Massachusetts or
564 federal law;

565 (4) Provides the make, model, caliber, and serial number of any assault weapon in the
566 applicant's possession;

567 (5) Acknowledges receipt of information and assent to comply with the requirements
568 of subsection (F) regarding conditions and obligations governing the possession and use of
569 assault weapons; and

570 (6) Provides any other relevant information or acknowledgement requested by the
571 Department.

572 (F) A person issued an assault weapons certification may possess the assault weapon
573 only:

574 (1) On private property owned or immediately controlled by the person;

575 (2) On private property that is not open to the public with the express permission of the
576 person who owns or immediately controls such property;

577 (3) While on the premises of a licensed gunsmith or a dealer licensed under the
578 provisions of for the purpose of lawful repair;

579 (D) While engaged in the legal use of the assault weapon at a properly licensed firing
580 range or sport shooting competition venue;

581 (E) Under the circumstances authorized by subsection (G); or

582 (F) While traveling to or from these locations, provided that the assault weapon is stored
583 unloaded in a locked container during transport.

584 (G) The provisions of this section shall not apply to:

585 The possession by a law enforcement officer for purposes of law enforcement;

586 The possession by an individual who is retired from service with a law enforcement
587 agency and is not otherwise prohibited from receiving such a weapon or feeding device from
588 such agency upon retirement.

589 (3) The possession of an assault weapon by a person who lawfully possessed that
590 weapon prior to the effective date of this Act, provided the person obtains an assault weapons
591 certification and only possesses the assault weapon in accordance with this section;

592 (4) The importation of a large capacity feeding device that was lawfully possessed on
593 September 13, 1994, or of an assault weapon that was lawfully possessed prior to the effective
594 date of this Act, if a person who lawfully owned the device or assault weapon transported the
595 device or assault weapon into the commonwealth only for lawful purposes;

596 (5) The sale or transfer of an assault weapon or large capacity feeding device to a dealer
597 licensed under the provisions of section 122 or to a law enforcement agency;

598 (6) Any member of the armed forces of the United States, law enforcement officer, or
599 other government officer or agent, to the extent that such person is otherwise authorized to
600 acquire or possess an assault weapon or large capacity feeding device, and does so while acting
601 within the scope of their duties;

602 (7) A federally licensed firearms manufacturer that manufactures, sells, or transfers
603 assault weapons or large capacity feeding devices to a law enforcement agency for use by that
604 agency or its employees, to any branch of the armed forces of the United States, or to a military
605 or law enforcement agency of a foreign government approved by the United States State
606 Department;

607 (8) The sale or transfer of an assault weapon or large capacity feeding device by a dealer
608 licensed under the provisions of section 122 to any branch of the armed forces of the United
609 States, or to a law enforcement agency for use by that agency or its employees for law
610 enforcement purposes;

611 (9) The temporary transfer of an assault weapon or large capacity feeding device to a
612 licensed gunsmith or a dealer licensed under the provisions of section 122 for the purposes of
613 maintenance, repair, or modification, and the subsequent return of the weapon or device to a
614 lawful owner or recipient;

615 (10) A dealer licensed under the provisions of section 122 or a club or facility with an on-
616 site shooting range or gallery licensed under subsection (b) of Section 131, who possesses an
617 assault weapon or large capacity feeding device for temporary use by customers exclusively at a
618 shooting range or gallery owned and operated by that licensed dealer, club, or facility, or the
619 temporary possession of an assault weapon or large capacity feeding device by such customers
620 exclusively on the premises of the shooting range or gallery, provided that such conduct is not
621 prohibited by local ordinance or other applicable law;

622 (11) Any federal, state or local historical society, museum, or institutional collection that
623 is open to the public, provided that the assault weapon or large capacity feeding device is
624 properly housed and unloaded;

625 (12) Possession or importation of an assault weapon or large capacity feeding device for
626 use exclusively in an established sport shooting competition;

627 (13) A forensic laboratory, or any authorized agent or employee thereof, for use
628 exclusively in the course and scope of authorized activities;

629 (14) An entity that operates an armored vehicle business, and an authorized employee of
630 such entity while in the course and scope of employment; or

631 (15) The possession of an unloaded rifle or shotgun or an unloaded large capacity feeding
632 device by a veteran’s organization chartered by the Congress of the United States, chartered by
633 the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue
634 Service, or by the members of any such organization when on official parade duty or during
635 ceremonial occasions. For purposes of this subparagraph, an “unloaded rifle or shotgun” and an
636 “unloaded feeding device therefor” shall include any rifle, shotgun, or large capacity feeding
637 device therefor loaded with a blank cartridge or blank cartridges, so-called, which contain no
638 projectile within such blank or blanks or within the bore or chamber of such rifle or shotgun.

639 SECTION 14. Section 131L of chapter 140 of the General Laws is hereby amended as
640 follows:

641 (a) It shall be unlawful to store or keep any firearm, rifle or shotgun including, but not
642 limited to, assault weapons, or machine gun in any place unless such weapon is secured in a
643 locked container or equipped with a tamper-resistant mechanical lock or other safety device,
644 properly engaged so as to render such weapon inoperable by any person other than the owner or
645 other lawfully authorized user. It shall be unlawful to store or keep any stun gun in any place
646 unless such weapon is secured in a locked container accessible only to the owner or other
647 lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or
648 kept if carried by or under the control of the owner or other lawfully authorized user.

649 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun
650 that is not an assault weapon, by a fine of not less than \$1000 nor more than \$7,500 or by
651 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case

652 of an assault weapon or machine gun, by a fine of not less than \$2,000 nor more than \$15,000 or
653 by imprisonment for not more than 12 years or by both such fine and imprisonment.

654 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is
655 not an assault weapon and the weapon was stored or kept in a place where a person younger than
656 18 years of age who does not possess a valid firearm identification card issued under section
657 129B may have access without committing an unforeseeable trespass, by a fine of not less than
658 \$2,500 nor more than \$15,000 or by imprisonment for not more than 12 years or by both such
659 fine and imprisonment.

660 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is
661 an assault weapon, firearm or machine gun that was stored or kept in a place where a person
662 younger than 18 years of age may have access without committing an unforeseeable trespass, by
663 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not more than 15
664 years or by both such fine and imprisonment.

665 (e) A violation of the provisions of this section shall be evidence of wanton or reckless
666 conduct in any criminal or civil proceeding if a person under the age of 18 who was not a
667 trespasser or was a foreseeable trespasser acquired access to a weapon, unless such person
668 possessed a valid firearm identification card issued under section 129B and was permitted by law
669 to possess such weapon, and such access results in the personal injury to or the death of any
670 person.

671 (f) This section shall not apply to the storage or keeping of any firearm, rifle or shotgun
672 with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or

673 prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not
674 designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

675 SECTION 15. Section 131Q of chapter 140 of the General Laws is hereby amended as
676 follows:

677 A firearm, rifle or shotgun, machine gun or assault weapon used to carry out a criminal
678 act shall be traced by the licensing authority for the city or town in which the crime took place.
679 The licensing authority shall report statistical data, when the data is readily available as
680 determined by the chief of police, including, but not limited to: (i) the make, model, serial
681 number and caliber of the weapon used; (ii) the type of crime committed; (iii) whether an arrest
682 or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether
683 ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the
684 firearm was related to known gang activity; (vii) whether the weapon was obtained illegally;
685 (viii) whether the weapon was lost or stolen; and (ix) whether the person using the weapon was
686 otherwise a prohibited person.

687 The data shall be reported to the commonwealth fusion center or the criminal firearms
688 and trafficking unit within the division of investigation and intelligence in the department of state
689 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce
690 an annual report by December 31 of each year regarding crimes committed in the commonwealth
691 using firearms, rifles or shotguns, machine guns or assault weapons, including all of the
692 categories of data contained in this section, and shall submit a copy of the report to the joint
693 committee on public safety and homeland security, the clerks of the house of representatives and

694 the senate and, upon request, to criminology, public policy and public health researchers and
695 other law enforcement agencies.

696 SECTION 16. Section 15F of chapter 265 of the General Laws is hereby amended by
697 replacing the term “large capacity weapon” with “assault weapon”, as follows:

698 (a) Whoever attempts to commit an assault and battery upon another by means of
699 discharging a firearm, assault weapon, rifle, shotgun, sawed-off shotgun or machine gun, as
700 defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for
701 not more than 15 years or by imprisonment in the house of correction for not more than 2½ years
702 or by a fine of not more than \$10,000, or by both such fine and imprisonment.

703 SECTION 167. Section 18B of chapter 265 of the General Laws is hereby amended by
704 replacing the term “large capacity weapon” with “assault weapon” wherever it appears, as
705 follows:

706 Whoever, while in the commission of or the attempted commission of an offense which
707 may be punished by imprisonment in the state prison, has in his possession or under his control a
708 firearm, rifle or shotgun shall, in addition to the penalty for such offense, be punished by
709 imprisonment in the state prison for not less than five years; provided, however, that if such
710 firearm, rifle or shotgun is an assault weapon, as defined in section 120 of chapter 140, or if such
711 person, while in the commission or attempted commission of such offense, has in his possession
712 or under his control a machine gun, as defined in section 121, such person shall be punished by
713 imprisonment in the state prison for not less than ten years. Whoever has committed an offense
714 which may be punished by imprisonment in the state prison and had in his possession or under
715 his control a firearm, rifle or shotgun including, but not limited to, an assault weapon or machine

716 gun and who thereafter, while in the commission or the attempted commission of a second or
717 subsequent offense which may be punished by imprisonment in the state prison, has in his
718 possession or under his control a firearm, rifle or shotgun shall, in addition to the penalty for
719 such offense, be punished by imprisonment in the state prison for not less than 20 years;
720 provided, however, that if such firearm, rifle or shotgun is an assault weapon or if such person,
721 while in the commission or attempted commission of such offense, has in his possession or under
722 his control a machine gun, such person shall be punished by imprisonment in the state prison for
723 not less than 25 years.

724 A sentence imposed under this section for a second or subsequent offense shall not be
725 reduced nor suspended, nor shall any person convicted under this section be eligible for
726 probation, parole, furlough or work release or receive any deduction from his sentence for good
727 conduct until he shall have served the minimum term of such additional sentence; provided,
728 however, that the commissioner of correction may, on the recommendation of the warden,
729 superintendent or other person in charge of a correctional institution or the administrator of a
730 county correctional institution, grant to such offender a temporary release in the custody of an
731 officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or
732 next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency
733 medical services unavailable at such institution. Prosecutions commenced under this section shall
734 neither be continued without a finding nor placed on file. The provisions of section 87 of chapter
735 276 relative to the power of the court to place certain offenders on probation shall not apply to
736 any person 18 years of age or over charged with a violation of this section.

737 SECTION 18. Section 10 of chapter 269 of the General Laws is hereby amended by
738 striking paragraph (m) as follows:

739 (m) Section 10F of chapter 269 of the General Laws is hereby repealed:

740 (a) Any person who sells, keeps for sale, or offers or exposes for sale, gives or otherwise
741 transfers any large capacity weapon or large capacity feeding device, both as defined in section
742 121 of chapter 140, to a person 18 years of age or over, except as permitted under this section or
743 chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-
744 half years nor more than ten years. Any person who commits a second or subsequent such crime
745 shall be punished by imprisonment in a state prison for not less than five years nor more than 15
746 years. The sentence imposed upon such person shall not be reduced to less than two and one-half
747 years for a first offense, nor less than five years for a second or subsequent such offense, nor
748 suspended, nor shall any person convicted under this subparagraph be eligible for probation,
749 parole, furlough, work release or receive any deduction from his sentence for good conduct until
750 he shall have served such minimum term of such sentence; provided, however, that the
751 commissioner of correction may, on the recommendation of the warden, superintendent or other
752 person in charge of a correctional institution or the administrator of a county correctional
753 institution, grant to such offender a temporary release in the custody of an officer of such
754 institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii)
755 to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services
756 unavailable at such institution. Prosecutions commenced under this subparagraph shall neither be
757 continued without a finding nor placed on file. The provisions of section 87 of chapter 276
758 relative to the power of the court to place certain offenders on probation shall not apply to any
759 person 18 years of age or over charged with a violation of this subparagraph.

760 (b) Any person who transfers, sells, lends or gives a large capacity weapon or large
761 capacity feeding device to a person under the age of 18, except as permitted under the provisions

762 of chapter 140, shall be punished by imprisonment in a state prison for not less than five nor
763 more than 15 years. The sentence imposed upon such person shall not be reduced to less than
764 five years, nor suspended, nor shall any person convicted under this subparagraph be eligible for
765 probation, parole, furlough, work release or receive any deduction from his sentence for good
766 conduct until he has served five years of such sentence; provided, however, that the
767 commissioner of corrections may, on the recommendation of the warden, superintendent or other
768 person in charge of a correctional institution or the administrator of a county correctional
769 institution, grant to such offender a temporary release in the custody of an officer of such
770 institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii)
771 to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services
772 unavailable at such institution. Prosecutions commenced under this subparagraph shall neither be
773 continued without a finding nor placed on file. The provisions of section 87 of chapter 276
774 relative to the power of the court to place certain offenders on probation shall not apply to any
775 person 17 years of age or over charged with a violation of this subparagraph.

776 SECTION 20. Section 12D of chapter 269 of the General Laws is hereby amended by
777 replacing the term “large capacity weapon” in subsections (a) and (b) with “assault weapon”
778 wherever it appears, as follows:

779 (a) Except as exempted or provided by law, no person shall carry on their person on any
780 public way a loaded rifle or shotgun having cartridges or shells in either the magazine or
781 chamber thereof. For purposes of this section, “loaded shotgun or loaded rifle” shall mean any
782 shotgun or rifle having ammunition in either the magazine or chamber thereof, such ammunition
783 including a live cartridge, primer (igniter), bullet or propellant powder designed for use in any
784 firearm, rifle or shotgun and, in the case of a muzzle loading or black powder shotgun or rifle,

785 containing powder in the flash pan, a percussion cap and shot or ball; but the term “loaded
786 shotgun or loaded rifle” shall not include a shotgun or rifle loaded with a blank cartridge, which
787 contains no projectile within such blank or within the bore or chamber of such shotgun or rifle.

788 Whoever violates the provisions of this subsection shall be punished by a fine of not less
789 than \$500 nor more than \$5,000 or by imprisonment in the house of correction for not more than
790 two years, or by both such fine and imprisonment, and may be arrested without a warrant;
791 provided, however, that if such rifle or shotgun is an assault weapon, as defined in section 121
792 120 of chapter 140, such person shall be punished by a fine of not less than \$1,000 nor more than
793 \$10,000 or by imprisonment for not nor more than ten years, or by both such fine and
794 imprisonment, and may be arrested without a warrant.

795 (b) Except as exempted or provided by law, no person shall carry on their person on any
796 public way an unloaded rifle or shotgun, unless such rifle or shotgun is enclosed in a case.

797 Whoever violates the provisions of this subsection shall be punished by a fine of not less
798 than \$100 nor more than \$1,000, and may be arrested without a warrant; provided, however, that
799 if such unloaded rifle or shotgun is an assault weapon and is carried simultaneously with a fully
800 or partially loaded large capacity feeding device, such person shall be punished by a fine of not
801 less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more
802 than ten years, or by both such fine and imprisonment, and may be arrested without a warrant.

803 This subsection shall not apply to drills, parades, military reenactments or other
804 commemorative ceremonies, color guards or memorial service firing squads, so-called, as
805 permitted by law.

806 SECTION 21. Section 58A of chapter 276 of the General Laws is hereby amended by
807 replacing the term “large capacity weapon” with “assault weapon” in subsection (1), as follows:

808 (1) The commonwealth may move, based on dangerousness, for an order of pretrial
809 detention or release on conditions for a felony offense that has as an element of the offense the
810 use, attempted use or threatened use of physical force against the person of another or any other
811 felony that, by its nature, involves a substantial risk that physical force against the person of
812 another may result, including the crimes of burglary and arson whether or not a person has been
813 placed at risk thereof, or a violation of an order pursuant to section 18, 34B or 34C of chapter
814 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209 A or section 15 or 20 of chapter
815 209C, or arrested and charged with a misdemeanor or felony involving abuse as defined in
816 section 1 of said chapter 209A or while an order of protection issued under said chapter 209A
817 was in effect against such person, an offense for which a mandatory minimum term of 3 years or
818 more is prescribed in chapter 94C, arrested and charged with a violation of section 13B of
819 chapter 268 or a charge of a third or subsequent violation of section 24 of chapter 90 within 10
820 years of the previous conviction for such violation, or convicted of a violent crime as defined in
821 said section 121 of said chapter 140 for which a term of imprisonment was served and arrested
822 and charged with a second or subsequent offense of felony possession of a weapon or machine
823 gun as defined in section 121 of chapter 140, or arrested and charged with a violation of
824 paragraph (a), (c) or (m) of section 10 of chapter 269; provided, however, that the
825 commonwealth may not move for an order of detention under this section based on possession of
826 a large capacity feeding device without simultaneous possession of an assault weapon; or
827 arrested and charged with a violation of section 10G of said chapter 269, section 112 of chapter
828 266 or section 77 or 94 of chapter 272.